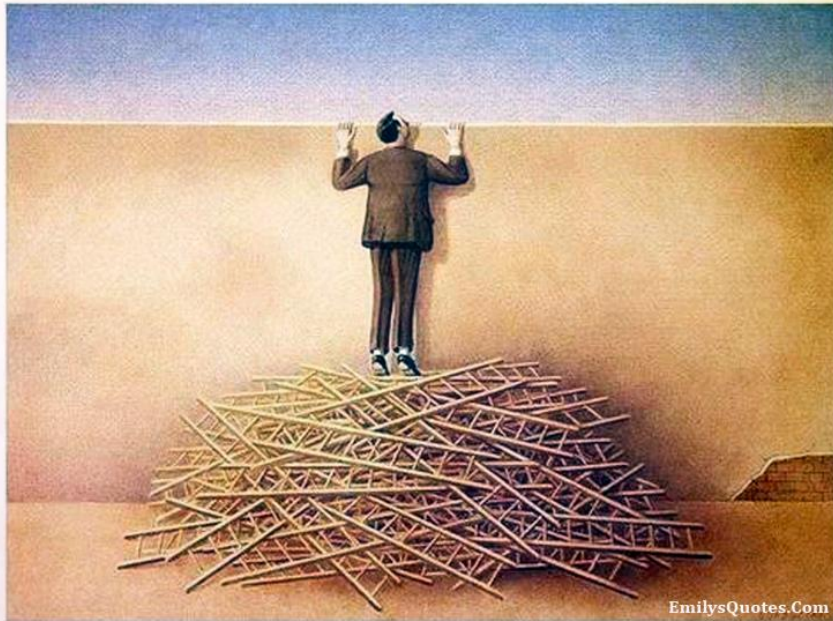


Resources for Youth in Crisis

It doesn't matter how many resources you have.



EmilysQuotes.Com

If you don't know how to use them,
it will never be enough.

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Why We Are Here

As the cover illustrates, it does not matter how many resources you have if you don't know how to use them.... It will never be enough. This Continuing Legal Education seminar is a unique opportunity to focus on identifying and explaining community resources, legal resources, absent resources, and substantive law that exist for Spokane's and its surrounding area's youth in crisis. The Spokane County Bar Association and Gonzaga Law are proud to host this important seminar organized by the Thomas More Scholars of 2017.

This resource list is not exhaustive. The resources will be identified through story-telling and although each youth could have many more resources available to him or her, only a limited number of resources will be taught at one time. All resources will be addressed by the end of the day.

However, without combining these resources with an understanding of the numerous and complex systems affecting youth in crisis, the resources will never be enough to truly assist youth in crisis.

In addition, without understanding the effect on a youth in crisis of Adverse Childhood Experiences, personal resilience, and a trusting relationship with a trustworthy adult, these resources will never be enough to truly assist youth in crisis.

This seminar is broken into four one-and-a-half hour sessions organized by age of the youth and system most affecting the youth; education, child welfare, and juvenile justice.

As you listen to our presenters and panelists please focus on:

- ✓ The Adverse Childhood Experiences (ACEs) of each youth
- ✓ How those Adverse Childhood Experiences deprive each youth of a "normal" childhood
- ✓ How important "resilience" is to each youth
- ✓ How important a "trusting relationship with a trustworthy adult" is to the resilience of all youth

"It is not enough to understand, or to see clearly. The future will be shaped in the arena of human activity, by those willing to commit their minds and their bodies to the task."

Robert Kennedy



Panelists/Presenters Mini-Biographies



André Wicks, his wife Michelle, and their four children; Isaac, Xavier, Olivia, and Pearl reside in Spokane. André is an impassioned K-12 education veteran of 21 years. As of 2014, André has leveraged his adaptive leadership ability to launch THEZONE Project; a place-based initiative that is collaboratively and holistically transforming one of the most distressed areas of Washington State. André is a graduate of Whitworth University and earned a Master's Degree from Lesley University, in Cambridge, MA. André has been published in Washington Educator magazine, The Inlander, and the Spokesman Review. André was presented the John Kohls Excellence in Leadership Award in 2015 and was named a Washington State Assistant Principal of the Year in 2014.



Andrew Hill is President/CEO of Excelsior Youth Center, a medium-size non-profit integrated health and education organization serving children, transition-aged youth, and their families. Early work in human services led Andrew to the launch of his professional behavioral health career when he was hired as a therapist at Excelsior. Andrew is a Registered Recreation Therapist and Child Mental Health Specialist and has earned his Mental Health Counselor License and National Counselor Certification. Leadership positions at Excelsior before becoming CEO, included service as the agency's Compliance Director and Residential Director. Andrew and his wife live in north Spokane with their "spirited" six-year-old son, three-year-old daughter, and two Bernese Mountain dogs



Bonnie Bush is the Spokane County Juvenile Court Administrator. Bonnie started her career at the Juvenile Court as a Corrections Officer working her way into management positions. In 1995 she became the Corrections Unit Supervisor for Geiger Corrections Facility and in 1999 was hired as the Region 1 Administrator for Juvenile Rehabilitation Administration overseeing parole and group home services in 11 eastern Washington Counties. In 2004 Bonnie was appointed the role of Juvenile Court Administrator by the Superior Court Judges. Bonnie holds a Master's Degree in Criminal Justice from Washington State University.



Bridget Cannon grew up in New Jersey and moved to Spokane in 1994. Shortly after arriving in Spokane, Bridget began her connection to Volunteers of America's (VOA) Crosswalk Youth Shelter, as a volunteer. In 1998, Bridget was hired as the Crosswalk Shelter Supervisor. In Bridget's tenure at Volunteers of America, Bridget has held many different positions working with several different youth populations; foster youth, unaccompanied minor homeless youth, and homeless young adults. Since 2008, Bridget has been VOA's Director of Youth Services.



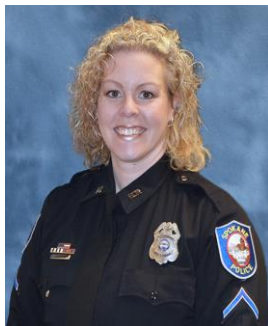
Cameron Norton is a Child Protective Services and Family Reconciliation Services Supervisor for the State of Washington, Children's Administration. Cameron currently oversees 8 Social Workers who are conducting investigations and providing services for high risk families. Prior to becoming a supervisor, Cameron worked as a Social Worker in Family Reconciliation Services, Family Voluntary Services and CPS Investigations. Cameron received a degree in Sociology from EWU and has worked in social services since 1991, when she began her career at the Crisis Residential Center in Spokane. Cameron has worked with at-risk and state dependent youth in various settings as an Advocate, Case Manager, and Program Supervisor. She began working for Children's Administration in 2008.



Dave Carter is an attorney currently working in the BECCA unit of the Spokane County Office of Public Defense (OPD). Dave graduated from EWU in 1977 with a degree in Business Administration and graduated cum laude from Gonzaga School of Law in 1983. Dave opened law offices in Chewelah and Colville before joining OPD in 1986. The bulk of Dave's 30 years in the office has been spent representing juveniles in offender, truancy, at-risk youth, and child in need of services proceedings. Dave has represented well over 7,500 youth, has volunteered with the Big Brothers Big Sisters of the Inland Northwest for over 14 years, and has served on the Board of Directors for the Spokane Humane Society. In 2011 he received a distinguished alumni award from EWU and in 2016 was the recipient of the Gonzaga Public Interest Law Project (GPILP) Hero Award.



Jason Anderson was born in Clackamas OR. Jason was raised in Moses Lake where he was heavily involved in school and community activities. Jason attended Eastern Washington University and earned a B.A. in Recreation Management. Straight out of college, Jason Directed operations of the Northtown Boys & Girls Club. After four years of continued growth, Jason earned a position as the John R. Rogers site Coordinator with Communities in Schools. Currently, Jason works as a School Academic Support Specialist at Rogers where his team provides support for students in need both in academics as well as in social services. His passion for working with youth drives him to continue to support the Hillyard community and its families.



Jennifer DeRuwe graduated from Washington State University in 1993 with a degree in Criminal Justice and Political Science. For more than 20 years, Jenn has served as a police officer for the Spokane Police Department (SPD), always dedicated to Spokane youth. Jenn became an executive board member of SAFEKIDS Coalition, SPD's Public Information Officer, and most recently was selected to pioneer unique programs specific to bridging the gap between youth and the police department. Jenn was instrumental in developing and coordinating the Police Activities League (PAL) and the Youth and Police Initiative (YPI). It is in this capacity that Jenn continues to engage Spokane's at risk youth by breaking down barriers and building trust.



Lisa Lydon Graduated from Gonzaga Law School in Spokane, Washington in May of 1989. Lisa has worked for the Office of the Attorney General since October of 1990 in the DSHS (Department of Social and Health Services) section of the Spokane Division. Currently, Lisa mainly does child welfare work in Spokane county with a focus on termination of parental rights cases. In addition to her child welfare work Lisa is also the section chief for SHS (Social and Health Services) section of the Spokane Division Office of the Attorney General. In that role, Lisa supervises, with the help of her team leader, 14 attorneys, 4 paralegals, and 7 legal assistants. Lisa was awarded the designation of Senior Counsel in 2010.



Lynn Daggett is a Professor at Gonzaga Law School. Lynn earned a Ph.D. in Educational Psychology from Duke University, working with and conducting research on gifted students. Lynn practiced law in Connecticut, representing school districts in labor and employment, constitutional, tort, civil rights, special education, and other education law matters. Lynn specializes in education law, working with Gonzaga's School of Education on school law issues, publishing on school tort liability, special education law, student privacy, and civil rights law, and consulting frequently with both school and plaintiff attorneys on education law.



Megan Manlove was born and raised in Long Beach, CA and came to Spokane in 1994 to attend Gonzaga University. Megan graduated with a Bachelor of Arts in Political Science and Criminal Justice, and then received her J.D. from Gonzaga School of Law in 2001. In 2003, Megan began working as a Public Defender at Spokane County Counsel for Defense in the juvenile division. While there, Megan has been involved with various stakeholder groups, including the Juvenile Defense Improvement Group, which worked on strategies to improve juvenile public defense in Washington State. Megan has participated in the Juvenile Record Sealing Clinic presented by Gonzaga School of Law and TeamChild since it began in 2012.



Michael Dunn became superintendent of NorthEast Washington Educational Service District 101 on July 1, 2008. NEWESD 101 is a regional K-12 district providing cooperative services to 59 public school districts and 45 state-approved private schools. Mike is a 38-year education veteran whose professional background includes work as a teacher and administrator in districts of diverse size and setting. Mike holds a bachelor's degree in political science, a master's degree in educational administration, and a doctorate in educational leadership, all from WSU. Mike's wife Teresa is an elementary school teacher and they are the proud parents of two sons... one is a public-school math teacher and the other is a law school student.



Michelle Ressa was born and raised in Spokane and graduated from the University of Washington in 1992 and from Gonzaga University School of Law in 1996. Michelle has represented the DSHS and the Children's Administration Headquarters. Michelle was appointed to the Spokane County Superior Court bench in May 2007. Currently Michelle is the judicial officer assigned to the Indian Child Welfare Team in Spokane County Juvenile Court. Her other dockets include family law motions, domestic violence protection orders, child support modifications, guardianship and trusts, and miscellaneous cases appearing in ex parte court. Michelle has consistently showed her dedication and passion for children and families navigating their way through a complicated, emotional, and financially challenging legal system.



Oscar Harris was born and raised in Arkansas, in a small community within the Mississippi delta region of the United States. Oscar relocated to Spokane, Washington in 1996, in pursuit of educational and employment opportunities. Oscar attended college and earned an undergraduate degree in History and a Master's degree in Social Work. Oscar currently works in a leadership role within Spokane Public School as a Family Support and Community Engagement Coordinator.



Rosey Thurman has been a staff attorney in the Spokane TeamChild office since its inception in 1996. Over the last 20 years she has worked with hundreds of youth to ensure their rights to education, placement, mental health, and substance abuse services. Prior to receiving her law degree from Loyola University in Chicago, Rosey earned a degree in Social Work from Virginia Commonwealth University and spent 10 years as a social worker with nonprofits that cared for youth, the chronically mentally ill, and those who were physically disabled.



Rowena Pineda joined the Spokane Regional Health District (SRHD) in 2010. Rowena oversees the Neighborhoods Matter and Weaving Bright Futures programs. Prior to working for SRHD, Rowena was the Executive Director of the Idaho Community Action Network (ICAN) in Boise, ID, a community-based organization working on racial, economic, and social justice issues. She has extensive experience in community organizing including as a community organizer for the Center for Third World Organizing (CTWO) in Oakland, CA; as the Lead Organizer for Parent Voices in San Francisco, CA; and as the Training Coordinator for the Northwest Federation of Community Organizations (now People's Action Institute) in Seattle, WA.



Shannon Boniface is an Area Administrator for the State of Washington, Children's Administration. After receiving a degree in social work from the University of Nevada in 2000, Shannon worked for both the State of Nevada and Washoe County as a Social Worker in the field of Public Child Welfare. In 2007, Shannon moved to Washington state and since that time has worked for Children's Administration as a Social Worker, Supervisor, Program Consultant and now as an Area Administrator. In 2013, Shannon along with other key community stakeholders founded an organization to support the foster community in Spokane called Embrace Washington.



Stacy Wenzl, locally born and raised, started her career with the Spokane Regional Health District (SRHD) in 2006 while pursuing her Master's degree in Health Policy and Administration from WSU. In her present position, Stacy manages the Data Center program and staff at SRHD. The Data Center provides data and supporting services (e.g. assessment, planning, evaluation and quality improvement) to both internal staff and programs and to community partners. Stacy is a certified Black Belt in Lean Six Sigma performance improvement methodology and provides training and technical assistance/consulting for performance measurement, evaluation, assessment, and quality improvement methods and approaches.

Adverse Childhood Experience (ACE) Questionnaire

Prior to your 18th birthday:

1. Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt?
No ___ If Yes, enter 1 ___
2. Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?
No ___ If Yes, enter 1 ___
3. Did an adult or person at least 5 years older than you ever... Touch or fondle you or have you touch their body in a sexual way? or Attempt or actually have oral, anal, or vaginal intercourse with you?
No ___ If Yes, enter 1 ___
4. Did you often or very often feel that ... No one in your family loved you or thought you were important or special? or Your family didn't look out for each other, feel close to each other, or support each other?
No ___ If Yes, enter 1 ___
5. Did you often or very often feel that ... You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? or Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?
No ___ If Yes, enter 1 ___
6. Were your parents ever separated or divorced?
No ___ If Yes, enter 1 ___
7. Was your mother or stepmother:
Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?
No ___ If Yes, enter 1 ___
8. Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?
No ___ If Yes, enter 1 ___
9. Was a household member depressed or mentally ill, or did a household member attempt suicide?
No ___ If Yes, enter 1 ___
10. Did a household member go to prison?
No ___ If Yes, enter 1 ___

Now add up your "Yes" answers: ____ This is your ACE Score

Scenario I - Blayz
 Education System Presentation
 Spokane Public Schools
 André Wicks, Director of the THEZONE Project

Introduction and Overview

Welcome to the CLE and Public Forum. This all day event will cover topics ranging from Adverse Childhood Experiences (ACEs) to IDEA and 504 statutes, from ICWA to Child Protective Services, from mental health to substance abuse. Spokane County Bar Association and Gonzaga Law are proud to host this important seminar organized by the Thomas More Scholars of 2017.

Procedures and Protocols

- Participants will complete the ACEs survey;
- Participants will observe the introduction, and panelist scenarios;
- Participants will engage in a process of deliberation to develop attorney best practices for early intervention and support prior to legal action – A product that includes what to know, what to do, anticipated barriers and how to overcome them, to achieve results for all children.

Background

Adverse Childhood Experiences (ACEs) are a way to categorize and characterize trauma in adolescent individuals. According to the Centers for Disease Control and Prevention, Adverse Childhood Experiences 'have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity.' Adverse Childhood Experiences have been linked to risky health behaviors, chronic health conditions, poor quality of life, and early death. The CDC also indicates that as the number of ACEs increase so does the risk of these outcomes.

The best combatant of the effects of ACEs is early prevention. A deep understanding of the interdependent and inter-dynamic relationship of the elements of whole child development is critical for those who provide direct services to children and families.

As more research has become available, The Centers for Disease Control and Prevention have partnered with a number of organizations over the last decade to develop tools for communities to promote the development of healthy and productive citizens. Tools and partnerships of note include:

- *Essentials for Childhood* – CDC, National Center for Injury Prevention and Control, and Division of Violence Prevention (;
- *Whole Child, Whole School, Whole Community* – CDC and Association for Supervision and Curriculum Development (ASCD).

-AND-

- *Developmental Assets, Developmental Relationships, Developmental Communities* – The Search Institute

These tools and resources indicate k-12 school systems carry a tremendous burden of preparing for and responding to a litany of social issues. Because these issues manifest in the school setting the k-12 system must understand these issues not just in the context of the school but also in the global context.

Contextualization

Through a process of contextualized story telling panelists will:

- Assist participants in recognizing ACEs and the impacts of adverse childhood experiences;
- Help participants understand the factors that cause ACEs and the factors caused by adverse childhood experiences at a variety of crisis pivot points.

Scenario I - Blayz
 Youth Life Path Presentation – Education System
 Spokane Public School
 Oscar Harris, Family Support and Community Engagement Coordinator

I will be sharing with you a brief overview of Blayz's life pathway, and although it not typical of all youth within school systems, it is not as foreign as many would believe. Increasing levels of trauma amongst school age children is an ever increasing phenomena within K-12 public education systems, and trend data is not showing a decline or a slowing in momentum in sight.

Questions being posed by researchers and practitioners alike include:

1. What is needed to support children in trauma?
2. Who is responsible for providing this support?
3. Where are the resources located to support these children?
4. When is the best time to intervene in children's lives?
5. How should one intervene in children's lives?

On the other end of the spectrum, it is common to see parents and caregivers wrestling with their own individual trauma as they attempt to provide safe, stable, and nurturing environments to their children, with the hope of bolstering their levels of resiliency.

Blayz's ACE Score is 4 and is based on these adverse events from the questionnaire.

2. Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?
5. Did you often or very often feel that ... You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? or Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?
6. Were your parents ever separated or divorced?
7. Was your mother or stepmother: Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?

Education Panel: Specific Resources Detailed for Blayz's Life Path by Crisis Point

CRISIS POINT 1: Disruptive Behaviors in Kindergarten - Parents Unresponsive to Special Education Assessment

- ✓ **Children's Home Society** (509) 747.4174 2323 N. Discovery Pl., Spokane Valley, WA 99216 <http://www.childrenshomesociety.org/spokane/>
 - Children's Home Society of Washington wants to ensure children reach their full potential. We will create an integrated hub in each community that focuses on providing comprehensive services to children from birth to age 12. The hub provides a streamlined and cohesive support system for children and families to access various services that meet all their needs.
- ✓ **Northeast Youth Center** (509) 482-0708 www.spokaneneyc.org
 - Recreation and after-school programs for youth—5 to adult— in NE Spokane. Before- and afterschool child care for ages 5-13. Holds day camp in the summer. (South East Day Center too)
- ✓ **Special Education Liaison** - Office of the Superintendent of Public Schools (360) 725-6075 <http://www.k12.wa.us/SpecialEd/families/Assistance.aspx>
 - The role of the Special Education Parent Liaison at OSPI is to provide guidance to parents on resolving disagreements with school districts about special education services quickly, fairly, and at the lowest level possible. The Special Education Parent Liaison does this by helping parents and educators better understand special education processes and regulations

CRISIS POINT 2: School Discipline - Pre-Special Education Assessment Suspension

- ✓ **Big Brothers Big Sisters** of the Inland Northwest (509) 328.8310 - 222 W Mission Avenue, Suite 40 Spokane, WA 99201
http://www.nwbigs.org/site/c.fwJXKdOSJjIcG/b.8323981/k.EE0B/Big_Brothers_Big_Sisters_of_the_Inland_Northwest.htm
 - Big Brothers Big Sisters is not your typical organization. We help children realize their potential and build their futures. We nurture children and strengthen communities. And we couldn't do any of it without you.
- ✓ **Boys & Girls Clubs of Spokane County** (509) 489.07415 - 44 E. Providence Ave. Spokane, WA 99207 <http://www.bgcspokanecounty.org>
 - Since 2001, our local Clubhouses have opened their doors to thousands of young people each year, ages 6-18, years old. Not only are we proud to be one of the leading youth development organizations in the Spokane community, but we know that each and every day, we are helping kids find their path, find their voice and find their passion. Club kids are the future and we are honored to help them "Right Their Stories."

- ✓ **West Central Community Center WCCC** (509) 326.9540 - 1603 N. Belt Street, Spokane, Washington 99205 <http://westcentralcc.org/>
 - This is the place where people come for a pick-up basketball game. For affordable child care. For medical assistance and counseling. For neighborhood meetings. For job training, socialization, community services, holiday parties and recreational clubs. Even for weddings.
 - As a vital community touchstone, we've created unique opportunities for fun and education that might not otherwise exist, and eased the burden for those in need. Many have returned to tell us that WCCC is the backdrop for their fondest memories. Some have paid us the highest compliment by saying that we helped shape who they've become.

CRISIS POINT 3: Up for next Suspension - Parents allow Special Education assessment - Non-English speakers at home

- ✓ **Spokane Public Schools English Language Development Program (ELD)** (509) 354.6261 - 200 North Bernard St Spokane, WA 99201 <http://www.spokaneschools.org/Page/1499>
 - Spokane Public Schools has students representing more than 69 different language groups, with an ELL population of approximately 1,650 eligible students. Since our district enjoys such a diverse ELL population, instruction is provided in English, rather than in an ELL's first language. We recognize the value of a child's first language and strongly encourage families to continue using the first language at home, as this is a valuable asset to a child's foundation for future learning.
 - Accessing translation/interpretation services
 - The ELD program employs 7 Language Specialists, 11 Bilingual Specialists and staff who speak more than 20 different languages represented by students in the school district. These Language Specialist assists families with registration/orientations and provide interpretation and translation services. Bilingual Specialists provide instructional support when working with ELLs, and also use their bilingual skills to communicate between the school and the home in the primary language of ELL families as needed. See 'Staff' in the menu to the left for a complete listing of all staff.
 - The ELD program also provides a variety of translated district documents to communicate with ELL families.

CRISIS POINT 4: Youth Truancy to Family Homelessness

- ✓ **Spokane County Juvenile Court**
 - If the youth continues to miss school a Truancy Petition is filed by the school. A “stay” will be placed on the petition. The youth and parents will be referred to a Community Truancy Board (partnership between the Juvenile Court, School Districts and community resource and treatment providers). Resources and support will be offered to the family to keep the youth engaged in school.
 - If youth does not participate the Court will order the youth to attend school.
 - If the youth continues to miss school a Contempt will be filed. Youth will be appointed a case manager from the Juvenile Court.

- ✓ **HEART -- Homeless Education and Resource Team** (509) 354.7302 Spokane Public Schools Administration Building 200 N Bernard Spokane, WA 99201
<http://www.spokaneschools.org/Page/1608?>
 - Falls under the Title I umbrella and is a collaboration between Spokane Public Schools and various homeless shelter/service providers to assure that homeless children and their families feel supported and encouraged until they can secure permanent housing.
 - **McKinney-Vento Homeless Education Programs**
<http://swcontent.spokaneschools.org/cms/lib/WA01000970/Centricity/Domain/436/Area%20Program%20Brochure%202014-15.pdf>

- ✓ **Family Resource Center - HEART Program** (509) 354.6521 or 354.7305 The Community School, 1300 West Knox Avenue Portable 101
<http://swcontent.spokaneschools.org/cms/lib/WA01000970/Centricity/Domain/436/Resource%20Center%20Flyer%20Generic.pdf>
 - With a referral through HEART you can come and get the clothing and supplies you need!

- ✓ **Homeless Families Coordinated Assessment (HFCA)** (509) 325.5005 - 19 W Pacific Spokane WA 99201 <https://www.catholiccharitiesspokane.org/homeless-families-coordinated-assessment-hfca>
 - HFCA works in partnership with you and your family to find solutions to help you overcome your current housing crisis.

- ✓ **Homeless Childcare Program** (509) 624.4282 SNAP Homeless Services office at 212 S. Wall Spokane, WA 99201 <https://www.snapwa.org/services-we-provide/i-need-to-make-the-most-of-my-money/i-am-homeless-and-need-childcare/>
 - SNAPS helps homeless families with free childcare for up to 90 days as they seek permanent housing, employment, and/or attend appointments.

- ✓ **Spokane Housing Authority** (509) 328.2953 - 55 W. Mission Ave., Spokane, WA 99201 <http://www.spokanehousing.org/>
 - Spokane Housing Authority provides a variety of housing options in Spokane County:
 - SHA Owned and Managed Apartment Units
 - Public Housing
 - Rental Assistance
 - Section 8 Housing Choice Vouchers
 - Project Based Housing Choice Vouchers
 - Subsidized Housing
 - Grant based vouchers

**CRISIS POINT 5: Different School District – Thriving - Special Education
Revoked by Parents**

- ✓ **Migrant Education Program** (360) 725-6147 Office of Superintendent of Public Instruction Washington State <http://www.k12.wa.us/MigrantBilingual/Services.aspx>
 - Migrant Education Program (MEP) funds support high-quality education programs for migratory children and help ensure that migratory children are not penalized in any manner by disparities among states in curriculum, graduation requirements, or state academic content and student academic achievement standards.
- ✓ **Community Support Resource**
 - This family found a tight-knit smaller community filled with people who were similar enough that they knew how to support one another. Here, resilience could develop.
 - Trusting relationships with trustworthy adults and a community for additional support.

CRISIS POINT 6: Homeschooled

- ✓ **Washington Homeschool Organization** (425) 251.0439 PO Box 66960 Seattle, WA 98166-0960 <http://washhomeschool.org/>
 - (WHO) is a statewide, non-profit membership organization. Its mission is to serve the diverse interests of home-based education in Washington State. WHO is nonpartisan, nonsectarian, and non-discriminating in its views of homeschooling and participation in its activities.
- ✓ **Family Learning Organization** (509) 467.2552 (toll free: 800-405-8378) - PO Box 1750 Mead WA 99021-1750 <https://www.familylearning.org/>
 - The organization's purposes are to advocate for home-based education, to facilitate the encouragement of homeschooling families, to help preserve the freedom of parents to educate their children, and to serve as a means of communication and networking. Through the organization, homeschooling

families can network with other more experienced parents. Philosophically, it is inclusive and non-judgmental.

- ✓ **Christian Heritage** (360) 362.5294 - 11716 S. Player Dr. Spokane, WA 99223
<https://www.christianheritageonline.org/>
 - We at Christian Heritage desire, by God's grace, to identify and minister to the specific needs of Christian homeschoolers in our state. We want to serve you so you can successfully get started, keep going, and move beyond homeschooling with your precious children. And we want to aid you in raising up a Christ-exalting, God-glorifying generation which is in turn equipped and inspired to raise up many such generations to come. We are serious about passing on a Christian Heritage!

CRISIS POINT 7: Gen Ed Middle School - Bullying/Gang Activity Begins

- ✓ **Communities in Schools of Spokane County** (509) 413-1436 - 905 W Riverside Ave, Ste 301 Spokane 99201 info@cisspokane.org
 - An effective dropout prevention organization in the nation. Uses site coordinators inside schools to access the needs of students and provide them with resources that will help them stay in school and succeed in life. Partners with local business, social service agencies, health providers and volunteers to offer food, school supplies, counseling, academic assistance or a positive role model.
- ✓ **Spokane County Juvenile Court Truancy** (509) 477.4742 - 824 N. Adams St. Spokane, WA 99201 <https://www.spokanecounty.org/2588/Juvenile-Court>
 - When a child has unexcused absences, the school must take steps to eliminate or reduce the child's absences. After five unexcused absences in one month, the district must enter into an attendance agreement with the students and parent, refer the student to a community truancy board or file a truancy petition with the court; and after seven unexcused absences in one month or 10 unexcused absences in a year, the district must file a truancy petition with the court if the student is under the age of 17. If the youth continues to miss school a Truancy Petition is filed by the school. Schools are mandated to file if a youth had seven unexcused absences in a month or ten in one year. These petitions require the youth to attend school every day, every period, on time and can also hold the parent responsible for chronic truancy.
 - In Spokane, a "stay" is placed on the petition to ensure the youth and parents have an opportunity to be referred to a Community Truancy Board (partnership between the Juvenile Court, School Districts and community resource and treatment providers). Resources and support will be offered to the family to keep the youth engaged in school.
 - If youth does not participate the Court will order the youth to attend school.
 - If the youth continues to be truant, the school or the county may file a contempt of court motion and the court may impose various contempt sanctions, including Weekend Programming, Girls Group, Community Service, Electronic Monitoring

for School Attendance only, and as a last resort placed in secure detention. A Juvenile Court case manager will be appointed.

- ✓ **YMCA of the Inland Northwest** (509) 777.9622 - 1126 N Monroe Spokane, WA 99201
<http://www.ymcaspokane.org/>
 - The YMCA provides a wide range of low-cost services to everyone from infants to seniors, spanning all abilities and backgrounds. Our many programs reflect this rich diversity.
 - Program and Childcare Financial Assistance Applications are for Aquatics, Camp Reed, Day Camps, Early Childhood Care & Education, Health & Wellness, School-Age Programs, Teen Programs, Youth Programs and Youth Sports.

- ✓ **Spokane Police Athletic League:** Jennifer DeRuwe (509) 209.7178
jderuwe@spokanepolice.org <http://www.spokanepal.org/pal-leagues.html>
 - The Spokane Police Activities League (Spokane PAL) is a partnership program developed by Spokane community leaders and the Spokane Police Department. We work with At-Risk Students and their families to help establish respect and understanding.
 - The object of this program is to engage potential at-risk youth with positive athletic, academic and community service programs that will secure their path to a successful, healthy and prosperous adulthood.
 - Spokane PAL programs take a holistic approach to crime prevention. Our programs focus on mentorship and reducing drug and gang involvement.

- ✓ **Spark Central** (509) 279.0299 - 1214 W Summit Pkwy, Spokane, WA 99201
<http://spark-central.org/>
 - We ignite the creativity, innovation, and imagination necessary for people to forge the path to their best future.
 - POWERFUL LEARNING PROGRAMS for all ages that spark creative connections
 - TECHNOLOGY & TOOLS including high-speed fiber Internet, robotics, computers, a curated book & media collection, and more
 - SUPPORTIVE COMMUNITY & SPACE where people learn and inspire one another

Overview of (some of!) the relevant education laws for Blayz scenario

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Lynn M. Daggett, J.D., Ph.D.

Professor of Law

Gonzaga University

P.O. Box 3528

Spokane, WA 99220

(509) 313-6400

ldaggett@lawschool.gonzaga.edu

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Crisis Point 1: Disruptive behaviors in kindergarten

A. Compulsory attendance laws

Washington schools are open to students beginning at age 5, and students are required to attend school beginning at age 8.

R.C.W. 28A.225.010 (compulsory education beginning at age 8); R.C.W. 28A.150.220; 28A.22.160 (school available beginning at age 5).

B. Removal from class

WA teachers have authority to briefly remove disruptive students from their class.

In Washington, teachers have the right to remove disruptive students from their class for the remainder of the class period and up to two additional days, or until they confer with the principal, whichever occurs first. Except in an emergency, the teacher should try some other method to correct the behavior first. The student cannot be returned to the teacher's class during this removal period without the teacher's consent. R.C.W. 28A.600.020(2).

C. Possible special education eligibility

Childfind, referral, trying modifications to general education

The school may be trying interventions in general education.

The school has an affirmative duty to seek out eligible special education students.

The school, or anyone else, may initiate the process to determine special education eligibility.

Special ed law in general

The IDEA is the major federal special education statute. 20 U.S.C. 1400 et seq., regulations at 34 C.F.R. ch.300. The IDEA establishes an extremely detailed scheme for special education in K-12 public schools, including the following main three entitlements:

-Individualized FAPE. Provide disabled students with a Free Appropriate Public Education (FAPE) (construed by SCOTUS as providing an individualized program in compliance with statutory procedures which is designed to confer educational benefit on the student. Board of Educ. of the Hendrick-Hudson Sch. Dist. v. Rowley, 458 U.S. 176 (1982)). A pending SCOTUS case, Endrew F. v. Douglas Cty. Sch. Dist., may provide further guidance on “appropriate.”

-LRE. Educate special education students with nondisabled students as much as is appropriate (the least restrictive environment (LRE)).

-Procedural safeguards. Limit special education decision-making authority to a team which includes the student's parents. Provide parents with hearing procedures to challenge team decisions.

Another federal statute, Section 504, 29 U.S.C. 794, forbids disability discrimination in public schools and also private schools that receive federal education funds. It covers a broader group of students than the IDEA. For K-12 public school students, Section 504 regulations impose IDEA-like obligations (FAPE, LRE, procedural safeguards). 34 C.F.R. ch. 104.

The Washington special education statute, which largely tracks the federal law, is found at R.C.W. 28A.155. Regulations (which, unlike the statute, are quite detailed) are found at W.A.C. 392-172A. The Washington regulations, sample special education forms, and a number of other useful documents can be accessed at OSPI's website (www.k12.wa.us).

Special education eligibility begins at age 3. Students become eligible on their 3rd birthday, even if that falls in the middle of the school year, and the initial IEP should be ready to be implemented by then. W.A.C. 392-172A-02000.

IDEA eligibility also requires that the student have one or more of the disabilities on a statutory list, such as learning disability or autism. However, students aged 3 through 8 with diagnosed developmental delays are also eligible and do not have to be labeled with any of the specific conditions listed above. 20 U.S.C. 1401(3); 1412(A)(1); W.A.C. 392-17A-01035.

Section 504 eligibility is broader than the IDEA, including *any* physical or mental impairment which substantially impairs a major life activity (such as learning), OR a record of such an impairment, OR being regarded as having such an impairment.

Childfind/referral

Public schools have a “childfind” obligation to seek out potentially eligible students (even if not enrolled in the public schools). 34 C.F.R. 300.111. Moreover, any person (parent, pediatrician, neighbor, etc.) can refer a child as possibly eligible for special education. W.A.C.

392-172A-03005.

With students who are having difficulty, schools may initially try modifying general education to see if child can succeed with modifications. Doing so does not excuse the school from complying with its obligation to identify eligible special education students. See, e.g., Tuscaloosa (AL) City School District, 111 LRP 65062 (OCR 2011).

As to special education eligibility, the process starts as follows:

1. Refer to person designated by the district (anyone can make referral). Notice to parents. W.A.C. 392-172A-03005.
2. Designated person/team considers data; decides whether to order evaluation to determine eligibility, and if so refers case to team to decide what kind of evaluation will be done. Notice to parents. W.A.C. 392-172A-03025.

Crisis Point 2: School Discipline

A. Discipline (Due process, WA laws, civil rights issues)

Both the Constitution and WA law require informal due process before a short suspension of any student.

Recent WA laws impose new limits on suspensions and expulsions.

Disproportionate discipline based on race or disability raises civil rights issues.

Additional limits exist on discipline of special education students; the IEP team must decide if discipline is available.

Requirements for all students

Constitution. For suspensions of 10 days or less, the due process clause of the constitution requires an informal hearing. Goss v. Lopez, 419 U.S. 565 (1975). The student receives notice of charges and evidence against her, and has a chance to tell her side of the story. These requirements can be satisfied by a short meeting with the principal. For suspensions/expulsions of more than 10 days, due process requires a formal hearing.

Washington Law. Washington state law gives students more rights. In Washington, for suspensions of more than one calendar day, the parent or guardian must be told orally or in writing of their child's suspension "as soon as possible." The parent must also be told of their right to an informal conference, which may reduce the suspension. The district Superintendent must receive notice of the suspension and reasons within 24 hours. W.A.C. 392-400-250.

In grades K-4, a student may not receive short term suspensions for more than 10 days in a semester. The student may not lose credit or have her grades reduced as a result of the suspensions. W.A.C. 392-400-245.

Students and parents may challenge discipline by conferring with the building principal or her designee, and if dissatisfied may pursue a grievance to the superintendent and ultimately

the board of trustees. During any grievance, the disciplinary action is NOT put on hold. W.A.C. 392-400-240.

Recent national data shows that students of color, and students with disabilities, are suspended and expelled at grossly disproportionate rates. Schools that disproportionately suspend or expel students of color or students disabilities may be investigated by the federal Office of Civil Rights (OCR) for possible violations of federal civil rights laws (Title VI and Section 504 respectively).

Washington has enacted two recent laws to cut back on suspensions and expulsions. OSPI bulletins summarize them. <http://www.k12.wa.us/BulletinsMemos/bulletins2016.aspx> (Bulletins B050-16, B024-16). Schools must continue education services during any exclusion. There are new limits on permissible grounds for, and length of, long term suspensions and expulsions.

Requirements for special education students

Disciplining students for conduct caused by their disability would be a form of disability discrimination. If an IDEA student engages in misconduct, the IEP team must decide whether discipline is possible, or if the incident should be treated as an educational programming issue. The student may be excluded for up to 10 days as a “cooling off” period while the IEP team meets.

The IEP team must use the following test to decide about discipline.

1. Was the conduct caused by, or did it have a direct and substantial relationship to, the child’s disability?
2. Was the conduct the direct result of the school’s failure to implement the IEP?

20 U.S.C. 1415(k)(1)(E). If the IEP team answers either question “YES,” the behavior is a manifestation of disability. The IEP team must conduct a functional behavioral assessment (FBA) if it has not already done so, and implement a behavioral intervention plan (BIP) and consider changes (for example, adding or modifying behavioral goals or strategies) to deal with the behavior.

If the behavior is not a manifestation of the disability, the student can theoretically be punished (up to and including expulsion), with several significant limitations. First, the student must be accorded all due process and other rights accorded to all students. Second, the student must still be provided FAPE, even if expelled.

Non IDEA-identified students facing discipline may claim they are disabled. If the school had “knowledge” before the alleged misconduct that a student is/may well be disabled (defined as parent notice of concern that their child is disabled and/or requesting an evaluation to determine eligibility, or a staff member suggesting that a student may be disabled), the student gets IDEA protections. If the parent refused or revoked consent for special education, or if the team determined the child was not eligible, the school is deemed not to have “knowledge” that the students is or may be disabled.

B. Special education evaluation, parent consent

Determining special education eligibility requires parent consent to both evaluation and placement in special education. A team including the parents makes the decision.

3. Parents must consent in writing to initial evaluation. 34 C.F.R. 300.300.

Any such consent must be “fully informed.” 34 C.F.R. 300.9. Specifically, the parent must “understand” the activity to which she is consenting. If the parent does not consent, the school may but is not required to initiate due process and ask a special education hearing officer to order an initial evaluation.

4. Evaluation as determined by team.

Parents who disagree with the evaluation of their child performed by the school may request an “Independent Educational Evaluation” (IEE). 34 C.F.R. 300.502. On request by the parent, the school must pay for the IEE, or initiate a special education hearing to defend the appropriateness of the school’s evaluation. In any case, the IEP team must consider the IEE results. Schools may establish reasonable guidelines on IEE cost and evaluator qualifications.

5. Team convenes to make recommendation on whether child is eligible for special education.
6. If yes, determine label, and IEP team (which must include parents) writes IEP.

All decisions about the special education program afforded to an eligible student must be made by a team of persons knowledgeable about the child. Parents have a right to participate in all IEP team meetings about their child. 34 C.F.R. 300.321, 300.322, as well as the group(s) of persons who make evaluation, eligibility and/or placement decisions. See, e.g., 34 C.F.R. 300.306 (eligibility determinations). The parents must receive advance written notice of team meetings, and meetings must be scheduled at a mutually convenient time. Schools must use their best efforts to get parents to attend team meetings, and must document in writing their efforts to ensure parental attendance. If parents cannot be convinced to attend, the school must attempt to allow them to participate by phone or otherwise, and/or provide information after the meeting. Parents may request an IEP team meeting about their child at any time, and schools “should grant any reasonable request for such a meeting.” 34 C.F.R. Part 300 Appendix C Response to Question 11. If parents will not attend a team meeting, the school is not excused from going forward with the meeting and preparing an IEP.

The team creates an individual education program (IEP) for each child, tailored to her unique needs. The team meets at least annually to review and revise IEP. The

team includes teacher, parent, special education person, and possibly others. WA regulations require that any regular education teachers of the child be invited and given the opportunity to participate in IEP team meetings about the child.

IEPs must include the student's present levels of functioning, an explanation if the student will not be in general education, goals and an evaluation plan to measure progress in these goals. A model IEP is at <http://www.k12.wa.us/SpecialEd/Data/ModelStateForms.aspx>.

7. Parent consents in writing to initial placement in special education. 34 C.F.R. 300.300. A school cannot override a parent failure to consent to initial placement in special education.
8. School implements IEP.

Crisis Point 3: Up for next suspension

A. Special education parent consent assessment, IEE, discipline

See Crisis Point 2 above

B. NonEnglish speaking parents

Under both federal and state law, parents have the right to school information and documents in a language they understand.

This may mean an interpreter at parent-teacher conferences, IEP team meetings, etc. The OSPI website on this, which cites the relevant federal and state laws, is <http://www.k12.wa.us/Equity/Interpretation.aspx>. For special education students and their parents see 34 CFR 300.29.

Crisis Point 4: Truancy to homelessness

A. Truancy

WA Becca bill requires schools to take a series of steps to deal with truancy.

In Washington, school attendance is compulsory through at least age 15. Unexcused absences from school (truancy) are governed by the Becca bill. RCW 28A.225.030. An OSPI summary notes the progression of required steps, culminating in court proceedings and possible juvenile detention:

“School/District Requirements

-After one unexcused absence in a month, the school is required to inform the parent in

writing or by phone.

-After two unexcused absences, the school is required to initiate a parent conference to improve the student's attendance.

-After five unexcused absences in a month, the parent and school must enter a contract to improve the student's attendance. Or, the case can be referred to a Community Truancy Board.

-After five unexcused absences in a month, or ten unexcused absences in an academic year, the school district may file truancy petitions with the juvenile court.

-If the student is not in compliance with a court order resulting from a truancy petition, the school is required to file a contempt motion."

<http://www.k12.wa.us/GATE/Truancy/>.

B. Homelessness

The federal McKinney-Vento statute gives homeless students education rights.

42 U.S.C. 11431 et seq. Students without a residence can enroll in any public school district. Transportation to the school district of origin is often required in order to maintain stability in education. Federal guidance is at

<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>. An OSPI summary of the requirements is at <http://www.k12.wa.us/HomelessEd/AssistanceAct.aspx>.

Crisis Point 5: Move to different school district; thriving

A. WA interdistrict transfer laws

Washington statute encourages but does not require schools to accept nonresident students.

State funding follows the student to the new school district. RCW 28A.225.220 to .330.

B. Special ed revocation of consent

Parent-school special education disputes are resolved through a hearing process.

Parent decisions to refuse or revoke consent to special education cannot be challenged by schools.

Parent-school special education disputes in general

Parents who disagree with the team on any matter concerning their child's special education may seek an impartial hearing, with judicial review. 20 U.S.C. 1415. Parents can file for a due process hearing. Before the hearing, mediation must be available. If the matter proceeds to hearing, a state hearing officer with training in both law and special education will conduct a formal evidentiary proceeding. Appeal to state or federal court is available. Absent unusual circumstances, parents must proceed through the administrative hearing before going to court. Damages are not generally available, but injunctive relief (e.g. ordering placement in a specific program or an IEP with specific terms) is common. Sometimes compensatory education

(extra time in special education) is a remedy, and in some cases reimbursement for unilateral private placements may be ordered. The IDEA is also a fee-shifting statute; parents who prevail are entitled to reasonable reimbursement of their attorney's fees and costs (not including expert witness fees). The OSPI website overview of Washington's special education dispute resolution system is at <http://www.k12.wa.us/SpecialEd/mediation.aspx>.

The IDEA also makes a state complaint process available. Anyone may file a complaint with the state education agency. The agency is then responsible for investigating the complaint and taking appropriate action. The OSPI website overview of Washington's citizen complaint process is at http://www.k12.wa.us/SpecialEd/mediation.aspx#Citizen_Complaints.

Section 504 permits complaints to the Office of Civil Rights (OCR) within the federal Department of Education. An overview of that process and the complaint form can be found at <http://www.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>. OCR investigates complaints and makes findings about Section 504 violations (or lack thereof) and takes appropriate action in the event of a violation (normally the school agrees to abide by OCR's recommendations). There is no hearing.

OCR complaints are optional under Section 504. Section 504 also makes private lawsuits available. Damages are possible (though only if bad faith is proven, and not punitive damages); injunctive relief as with the IDEA is more common. Section 504 is also a fee-shifting statute; parents who prevail are entitled to reasonable reimbursement of their attorney's fees and costs.

Parent revocation of consent

If parents refuse or revoke consent to special education, the school may not initiate due process to override the refusal. 20 U.S.C. 1414(a)(1)(D)(ii). If consent is revoked, the revocation is not retroactive. 34 C.F.R. § 300.9.

Once a parent revokes consent, the school does not owe the student FAPE nor an IEP, and need not convene the IEP team. Accommodations to general education provided to nondisabled students could continue to be provided, but accommodations in general education pursuant to the IEP need not be. IDEA Part B Supplemental Regulations Issued December 1, 2008 and Effective December 31, 2008 Non-regulatory Guidance (OSERS April 2009). Regular discipline rules apply. *See* 73 Fed. Reg. 73,011-013 (once special education services have been discontinued, the child is a general education student to be treated as such); Questions and Answers on Discipline Procedures, 52 IDELR 231 at Question A-2 (OSERS 2009) (where consent to special education is completely revoked, the school does not have knowledge the student is a special education student and regular discipline procedures apply); *id.* at Question A-3 (special education discipline rules apply where revocation is partial and consent to some special education services continues).

Crisis point 6: Home-schooled

A. WA home schooling statute

WA parents have a right to home school their children, with some restrictions.

Washington statute establishes a parent right to home school their children. An OSPI publication, the “Pink Book,” sets out the relevant laws and details. <http://www.k12.wa.us/privateed/homebaseded/>. There are requirements for teacher qualifications, subjects to be taught, and annual assessment.

B. WA Part-time enrollment statute

WA home school (and private school) children have a right to enroll part-time in their public school.

The Washington “part-time enrollment” statute, R.C.W. 28A.150.350; see also W.A.C. ch. 392-134, provides that students in private schools or being home schooled may enroll part-time in their public school district for any “course and/or ancillary service” not offered by their private school or home schooling program. If for example, a student's private school does not offer German, she may enroll part-time in the public school to take that course. If a home schooling program does not offer a drama club, the student may enroll in public school to be part of its drama club. If a disabled student in a private school needs resource room help and the private school does not have a resource room, the student may enroll in the public school for resource room time only.

The Enrollment Options pamphlet available from OSPI sets out the laws and details for home schooling, part-time enrollment and many other options. <http://www.k12.wa.us/GeneralInfo/EnrollmentOptions.aspx>.

Crisis point 7: General education/ middle school -- bullying/gang activity begins

A. Bullying laws, tort liability, and civil rights liability

Any bullying must be dealt with pursuant to WA bullying policy.

Bullying that causes harm can result in tort claims seeking damages.

Bullying based on race/national origin, disability or gender can result in OCR complaints and/or lawsuits seeking damages and attorney’s fees.

Washington requires school districts to adopt a model bullying policy. Bullying includes not only physical but also electronic and verbal acts. R.C.W. 28A.300.285. Retaliation against persons who report bullying is forbidden. RCW 28A.600.480. The model policy is at <http://www.k12.wa.us/Safetycenter/BullyingHarassment/default.aspx>.

Bullying which causes harm can result in tort liability for damages for the school. Schools and school employees owe a tort duty of “reasonable supervision” to students. For example, a reasonable teacher would not leave her classroom unattended for 30 minutes to make personal phone calls. Reasonable school districts and reasonable school administrators also have a duty to “reasonably supervise” school staff. Schools may be liable where a failure to

reasonably supervise a student such as a known bully results in an injury caused BY that student.

Bullying based on certain characteristics violates federal law (e.g. disability (Section 504), race color or national origin (Title VI), or gender (Title IX)) and can result in complaints to OCR and/or private lawsuits seeking money damages and attorney's fees.

B. Child abuse reporting

Bullying by peers may trigger a reporting obligation.

Washington requires certain persons to report suspected child abuse or neglect. R.C.W. 26.44.010 et seq. The section on mandatory reporting is 26.44.030.

Professional school personnel such as teachers are mandated reporters. Upon reasonable suspicion of abuse or neglect they must make a report themselves or to "cause a report to be made." R.C.W. 26.44.030(1)(a). Required reports may be filed either with CPS or to the police.

The Washington statute requires the reporting of suspected abuse by "any person," including unknown persons, strangers to the suspected victim, coworkers of the reporter, and family members of the suspected victim. An Attorney General opinion indicates that reasonably suspected abuse by other children (e.g. classmates) must also be reported. Op. Atty. Gen. No. 9 (1987).

Persons who in good faith either: a) report suspected abuse or b) testify about suspected abuse in a judicial proceeding, are immune from civil and criminal liability for state law claims. R.C.W. 26.44.060. Public employees who make reports in good faith and without gross negligence must be indemnified by their employer if the employee's judgment in making the report is challenged. R.C.W. 26.44.032.

C. Obligations of witnesses to crimes

Some observed physical bullying triggers reporting obligations for the eyewitness.

Washington has no general law requiring persons who suspect criminal activity to report their suspicions, nor is there such a law for school employees. However, Washington statute requires reporting by eyewitnesses to certain crimes. R.C.W. 9.69.100.

The statute is limited to ACTUAL witnesses to the commission of crimes (eyewitnesses). Moreover, eyewitnesses to only a few crimes are covered, but they include eyewitnesses to an assault of a child "that appears reasonably likely to cause substantial bodily harm to a child." Such eyewitnesses must report what they have seen. The report must be made "as soon as reasonably possible." The report may be to prosecutors, police, medical assistance, or "other public officials." A report, or attempt to report, by phone or other means is sufficient. Not making a report when one is required is a gross misdemeanor.

Scenario II - ABCDE

Child Welfare System (infant to 12) Presentation

Children's Administration – Department of Social and Health Services

Shannon Boniface, Area Administrator

A significant Adverse Childhood Experience (ACE) in one's life can be the involvement of the Child Welfare System. As you will later learn the involvement of that system creates many additional crises. Like other ACE's, one's capacity to handle all that precedes or comes with the child welfare experience is a matter of one's resiliency. Two siblings may be placed out of their parent's care and while one struggles significantly the other may thrive. Many factors come into play when considering that capacity for resiliency; exposure to substances in utero, amount of bonding that took place with a consistent and loving caregiver, stability in foster placement, connection and access to trustworthy adults, achieving a permanent "family" situation.

The child welfare system is a group of public and private services that are focused on ensuring that all children live in a safe, permanent and stable environment that supports their well-being. The public child welfare system operates at the federal, state and local levels. Additionally, many private and community based organizations are involved in providing for a child's well-being. Thus, the child welfare system varies dramatically from state to state. In the state of Washington, the child welfare system is run by state government through the Department of Social and Health Services and more specifically the Children's Administration.

The Children's Administration is broken into two divisions; the Division of Child and Family Services (DCFS) and the Division of Licensed Resources (DLR).

DCFS is responsible for child protection and out of home care. Child protective services (CPS) is a term used to refer to the agency designated to receive reports, conduct investigations and assessments and provide intervention services to children and families in which child maltreatment is suspected or has occurred. Out of home placement refers to the necessity for some children to be placed out of their familial homes due to factors that deem the child to be unsafe. Children in out of home placement may be placed with relatives, "suitable others" or in a licensed foster home or facility. When children are removed from their homes it initiates a court process called Dependency. Once a child is determined through the court to be "dependent", federal guidelines require that the family is provided with services to remedy the factors that cause the child to be unsafe within 12 months. If they are unable to do so the law requires that the child welfare agency create permanency for the child through adoption or another approved permanent living arrangement.

While the system is tasked with protecting children it is not a suitable substitute for a healthy family situation. The trauma of removing children from their families must be weighed against the trauma caused by the family situation itself. Children often lose much of the typical childhood experiences in a system that is structured by law and policy and influenced by the rights of parents. There are numerous stories in the media about the "broken" system, however it is a system full of well-intentioned people who want to improve the lives of children but often feel helpless to do so.

Scenario II - ABCDE

Youth Life Path Presentation – Child Welfare System (infant to 12)

Children’s Administration – Department of Social and Health Services

Cameron Norton, Child Protective Services and Family Reconciliation Services Supervisor

ABCDE was born at Sacred Heart Medical Center on a Friday night. ABCDE was born early, and her teenage mother had only been to what she referred to as “a couple” prenatal appointments. The mother admitted to nurses that she had been using heroin throughout her pregnancy. A call was made to CPS, and the intake included information that ABCDE would be in the hospital for an undetermined amount of time as she was born early and tested positive for opiates. ABCDE would be monitored for withdrawal and given morphine to ease her symptoms.

A CPS investigator responded to the hospital to see the baby, and to interview the mother and her boyfriend. Both admitted to ongoing drug use, homelessness, and uncertainty that he was the father, though he expressed his intent to raise the baby. The investigator learned that the boyfriend had a felony escape warrant for non-compliance with the Department of Corrections. As often happens in cases like these, there were too many barriers for the social worker to determine that ABCDE would be safe in the care of her mother. A dependency petition was filed, and ABCDE was placed in the care of the maternal grandparents.

Unfortunately, ABCDE’s mother, Brittany, returned to life on the streets and ceased contact with her social worker. Jared was returned to prison to complete his sentence and had a new charge for possession with intent to deliver added which resulted in more time. As time passed in the dependency process, the father refused to relinquish his rights, but said that he would agree to the maternal grandparents gaining 3rd party custody of ABCDE. The placement had been going well, and ABCDE was well bonded to her grandmother, the dependency was subsequently dismissed, and the department closed their case.

When ABCDE was 2, her mother returned to her life, having completed treatment and now actively involved in a church community, the maternal grandparents allowed Brittany to move in to their home to bond with her daughter. The maternal grandfather had been diagnosed with cancer, and his care was consuming of the grandmother’s time. Brittany eventually got her own apartment and was allowed to take ABCDE with her, as the grandfather’s health continued to worsen. The focus was so strongly on the declining health of the grandfather that Brittany’s frequent relapses were going unnoticed.

Brittany moved her new boyfriend in to her home within a month. They were both using heroin, and he was also drinking to excess. Brittany was careful to not apply for DSHS benefits, use Vanessa Behan Crisis Nursery or take ABCDE to the doctor, as she knew by now how CPS worked and that all of these agencies would report seeing either the track marks on her arms, or the black eyes she sometimes had.

Six months later, Law Enforcement responded to a domestic disturbance call at the mother’s apartment. The conditions of the apartment were deplorable, there was no water or power, and drug paraphernalia was throughout the home within reach of ABCDE, who herself

was filthy. The mother's boyfriend was arrested, and both adults were highly intoxicated. Both ABCDE and her mother had bruising to their faces and arms. ABCDE was taken to SHMC to have a full skeletal, which revealed a healing spiral fracture to her left arm. ABCDE was placed into protective custody by Law Enforcement, and CPS placed her into foster care.

This CPS investigation determined that the grandparents were not able to safely care for ABCDE. A dependency petition was again filed. The father appeared at court, having been recently released from prison. He was granted placement of his child at Shelter Care and this case was dismissed prior to a fact-finding hearing.

A CPS intake was called in by Law Enforcement within 3 months of the shelter care being dismissed. The father had been pulled over for drunk driving with ABCDE in the car, he was also in possession of meth. ABCDE was again placed into protective custody and foster care.

When the CPS investigator interviewed the father in the jail, he reported that a native ancestry inquiry had been initiated in his last case, and he might be eligible for enrollment with the Chippewa Cree of Rocky Boy. The tribe was contacted and stated that they would be involved in this case, and may take jurisdiction.

The father was facing incarceration again, and stated that he realized he could not parent ABCDE. The investigator was not able to locate the mother this time, and her parents stated that she had slid deeper into her addiction and they had heard she was somewhere in California, where she was prostituting to support her drug habit.

ABCDE was moved between 3 foster homes between the date of her father's arrest and the date of fact-finding, sometimes because she was only in a temporary placement, and sometimes because of her behaviors, which had grown to be aggressive. At this point the Tribe stated that they would take jurisdiction as there are paternal relatives of the child on the Rocky Boy reservation that are willing to be a placement and possible permanent home. The father supported the transfer of jurisdiction to the tribe and ABCDE was transported to Montana by the department.

ABCDE's ACE Score is 7 and is based on these adverse events from the questionnaire.

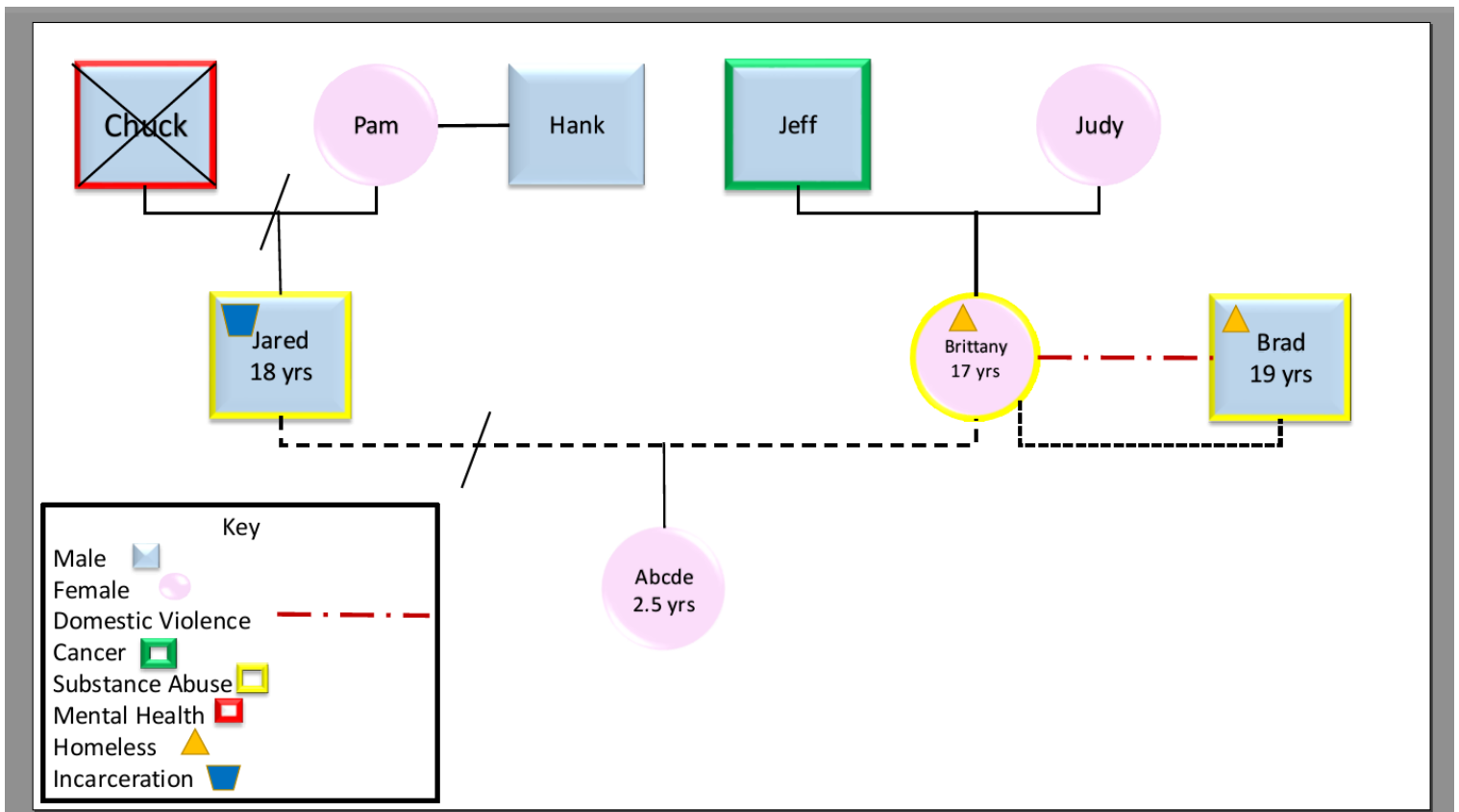
1. Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt?
2. Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?
4. Did you often or very often feel that ... No one in your family loved you or thought you were important or special? or Your family didn't look out for each other, feel close to each other, or support each other?

5. Did you often or very often feel that ... You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? or Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?

6. Were your parents ever separated or divorced?

7. Was your mother or stepmother: Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?

10. Did a household member go to prison?



Child Welfare (infant to 12) Panel: Specific Resources Detailed for ABCDE's Life Path by Crisis Point

CRISIS POINT 1: Born Addicted/CPS Intervention/Out-of-Home Care

- ✓ **Children and Youth with Special Health Care Needs (CYSHCN)** (509) 324.1696 – Spokane Regional Health District (SRHD) 1101 West College Avenue, Spokane, WA 99201 <http://www.srhd.org>
 - CYSHCN serves children birth to 18 years who have or are at increased risk of developing serious chronic physical, developmental, behavioral or emotional conditions and require health and related services of a type or amount beyond what is generally required may be eligible for services. On a limited basis, staff may be able to assist families in obtaining financial assistance for needed services and equipment if the family meets financial and other program eligibility requirements.
- ✓ **Infant Toddler Network (ITN)** (509) 324.1651– Spokane Regional Health District (SRHD) 1101 West College Avenue, Spokane, WA 99201 <http://www.srhd.org>
 - Children ages birth–3 years with developmental delays and/or disability and their families are provided services. Anyone who has a concern for a child's development can call for assistance with screenings, evaluations, and early intervention services.
- ✓ **WIC Nutrition Program** (509) 324.1620– Spokane Regional Health District (SRHD) 1101 West College Avenue, Spokane, WA 99201 <http://www.srhd.org>
 - Eligible pregnant and breastfeeding women, infants, and children up to age 5 receive:
 - Nutrition evaluation, education, and counseling
 - Breastfeeding tips and support
 - Help finding health care and other social services
 - Free food checks to purchase healthy foods. These foods provide high levels of protein, iron, calcium, and vitamins A and C – promoting health, growth, and development.
 - WIC serves thousands of clients at six Spokane County locations:
- ✓ **Childbirth and Parenting Assistance CAPA** (509) 455.4970 - 12 East 5th Avenue Spokane, WA 99210-2253 http://spokanecares.org/index.php?org_ref=54
 - Catholic Charities of Spokane provides comprehensive support for pregnant and/or parenting young parents with children 3 and under.

- ✓ **Parent-Child Assistance Program (PCAP)** Spokane County (509) 838.6092 X 323
<http://depts.washington.edu/pcapuw/contact-us/how-to-make-a-referral>
 - A paraprofessional home visitation model for extremely high risk substance abusing women. The program uses the three-year case management approach that complements traditional substance abuse treatment.
 - There are three program inclusion criteria
 - Chronic alcohol and/or drug use during pregnancy
 - Little or no connection with community service providers
 - Inadequate or no prenatal care
- ✓ **Adoption Services of Spokane** (formerly Spokane Consultants in Family Living)
 (509)328.6274 - 1623 W. Gardner, Spokane, WA 99201
<http://www.adoptionsservicespokane.com/>
 - Washington licensed child placing agency/private adoption agency

CRISIS POINT 2: Grandparents 3rd Party Custody/Mother Retains Custody at Age 2

- ✓ **Elder Services** – Frontier Behavioral Health - Kinship Navigator: Anna O'Connor (509) 458.7450 ext. 4 avictor@smhca.org
 - Kinship Navigators are people whose job it is to help you “navigate” through the system. They will talk with you and help you find local services and programs. Currently, Kinship Navigators are available to answer questions for relatives who live in 30 counties. In some other communities, Resource Persons who are support group leaders or provide other kinship services are available to help you. You can see Washington State's Kinship Navigators Serving Grandparents and Relatives Raising Children or go to the Kinship Care Services listing to find your Kinship Navigators or Resource Persons.
 - One does not qualify if CPS is involved – this is a familial decision
- ✓ **Spokane County Court House Facilitator**, (509) 477.7612, 1116 W. Broadway, Room 200, Spokane, WA 99260 <https://www.spokanecounty.org/1403/Court-House-Facilitator>
 - The family court facilitator is a non-attorney who provides assistance to citizens who choose to or cannot afford an attorney to represent them in matters dealing with divorce, custody, child support, paternity or non-parental (third party/grandparent) custody matters.
- ✓ **On-going financial assistance** DSHS Economic Services Administration
<https://www.dshs.wa.gov/esa/community-services-offices/non-needy-relative-loco-parentis-and-legal-guardian-grant> [loco parentis](#)
 - Cash and medical assistance for children who are in the care of a relative or other adult through a Temporary Assistance for Needy Families - TANF child-only grant. The caregiver must meet certain income guidelines to qualify for assistance on behalf of the child. Recipients of child-only TANF can also get additional one-time cash payments for help with emergency housing or utility needs.

- ✓ **Transitions** - (509) 328.6702 - 3128 N Hemlock Spokane, WA 99205
<http://www.help4women.org/>
 - Transitional Programs for Women (dba Transitions) is a 501 (c) (3) organization registered with the state of Washington (UBI 601435721). Our mission is to work to end poverty and homelessness for women and children in Spokane. We pursue this mission through the operation of the Women's Hearth, Transitional Living Center, EduCare, Miryam's House and New Leaf Bakery Cafe.
- ✓ **The Martin Luther King, Jr. Family Outreach Center** Early Childhood Education and Assistance Program (ECEAP) (509) 455.8722 - 845 South Sherman Street Spokane, WA 99202 <http://mlkspokane.org/child-and-youth-services-department/>
 - We provide a whole-child comprehensive, family focused pre-school program designed to help low-income or at-risk children and their families prepare for and succeed in school and life.
 - Education – curriculum based learning in an interactive preschool setting
 - Health and Nutrition – medical/dental care checkups and balanced meals/snacks
 - Family Support and Parent Involvement – identifying family strengths and connecting with outside resources
- ✓ **Early Support for Infants and Toddlers (ESIT)** <https://www.del.wa.gov/providers-educators/early-support-infants-and-toddlers-esit> NE WA ESD 101- (509) 789.3783 - 4202 South Regal Street Spokane, WA 99223-7738
 - Early intervention services during the first three years can make a big difference in a child's life. The Department of Early Learning's (DEL) Early Support for Infants and Toddlers (ESIT) program provides services to children birth to age 3 who have disabilities or developmental delays. Eligible infants and toddlers and their families are entitled to individualized, quality early intervention services in accordance with the federal Individuals with Disabilities Education Act (IDEA), Part C.
 - Early intervention services are designed to enable young children to be active, independent and successful participants in a variety of settings—in their homes, in child care, in preschool programs and in their communities.
 - In Washington, referrals to early intervention services are provided through Local Lead Agencies.

CRISIS POINT 3: CPS Closes Case/Mandatory Reporter Avoidance

- ✓ **Vanessa Behan Crisis Nursery** (509) 535-3155 - 1004 E. 8th Ave. Spokane, WA 99202
<http://www.vanessabehan.org/>
 - The Vanessa Behan Crisis Nursery improves the lives of children by providing immediate refuge and safety and ongoing family support in an environment of unconditional love.

- ✓ **2-1-1 (Washington Information Network)** Dial 2-1-1 or (877) 211-WASH (9274) | 24 hours seven days a week <https://www.resourcehouse.info/win211/Index>
 - Trained local specialists can help you find services including: assisted living, child care, children's services, counseling/support, drug treatment, education/literacy, financial help, food, housing, legal assistance, medical care, medical coupons, recreation, rent and utility assistance, senior services, teen services, temporary shelter, transportation and tutoring.
- ✓ **Crisis Shelter For Women & Children** – Union Gospel Mission (509) 535.0486 - 1515 E Illinois Ave Spokane, WA 99207 <https://www.uniongospelmission.org/crisis-shelter-for-women-and-children/>
 - The Crisis Shelter for Women and Children exists to provide a safe, healthy, short-term refuge for women and children in crisis. The Shelter strives to keep as many women and children off the streets as possible and admits guests until it reaches full capacity. A playground for younger children was created adjacent to the facility, providing a safe, clean play area for the children at the Shelter and in the surrounding neighborhood.
- ✓ **Homeless Families Coordinated Assessment (HFCA)** (509) 325.5005 - 19 W Pacific Spokane WA 99201 <https://www.catholiccharitiesspokane.org/homeless-families-coordinated-assessment-hfca>
 - HFCA works in partnership with you and your family to find solutions to help you overcome your current housing crisis.
 - Family Promise
 - Saint Margaret Shelter
 - Salvation Army
 - Transitional Living Center
 - VOA for younger families
- ✓ **Spokane Public Library - Youth Services Office** (509) 444.5331 - 906 West Main Avenue Spokane, WA 99201 (multiple locations) <https://www.spokanelibrary.org/storytime/>
 - All storytime sessions are free and open to the public – no registration required.
 - Toddler Storytime is recommended for children 18 to 36 months.
 - Preschool Storytime is recommended for children aged three to five.
- ✓ **Head Start/Early Head Start/ECEAP** (509) 533.4800 – 3939 North Freya St Spokane, WA <http://www.iel.spokane.edu>
 - Part of the Institute for Extended Learning. Child care for low income families.

CRISIS POINT 4: Significant Injury to Mother/Child - 3rd Party Petition Dismissed

- ✓ **YWCA Spokane Help with Domestic Violence** (509) 789.9297 - 930 North Monroe Street Spokane, WA 99201 <http://ywcaspokane.org/programs/help-with-domestic-violence/>
 - Spokane's only state-recognized domestic violence program for victims and survivors. Our services are free, confidential, and designed to empower survivors through knowledge and connection to resources. Having a domestic violence charge against you doesn't mean you can't access Alternatives to Domestic Violence Program.
- ✓ **Early Intervention Program** (509) 324.1649 - – Spokane Regional Health District (SRHD) 1101 West College Avenue, Spokane, WA 99201 <http://www.srhd.org>
 - Public health nurses provide home-based services to children and families who have been referred to the program by Child Protective Services (CPS). Parenting skills and child development education are provided, along with referrals to other resources. Services are designed to strengthen families and improve the health of all family members.
- ✓ **Foster Care & Adoption Programs** Lutheran Community Services (509) 747.8224 - 210 W. Sprague Ave. Spokane, WA 99201 <http://www.lcsnw.org/spokane/FosterCare.html>
 - LCS' Therapeutic Foster Care Program serves children and youth ages 6-17 that are referred through the Department of Children and Family Services. Children and Youth who are experiencing behavioral challenges receive intensive support services. These services aide in behavioral stabilization and the overall goal of helping the child learn new coping skills.
- ✓ **Hutton Settlement** (509) 926.1027 - 9907 E. Wellesley Ave., Spokane, WA 99206 <https://huttonsettlement.org/>
 - Providing safe and healthy living opportunities for children, ages 5 to 18 in need of a long term alternative home.

CRISIS POINT 5: Father Out of Prison - Gains Custody of ABCDE – Family Voluntary Services

- ✓ **The Fatherhood Project** (a program of Catholic Charities) (509) 455.4970 - 12 East 5th Avenue Spokane, WA 99210-2253 http://spokanecares.org/index.php?org_ref=63
 - This weekly support group provides discussion, resources, and social activities to help Dads meet and connect with other Dads and Volunteer Father-Mentors.
 - The Fatherhood Project is part of the Childbirth and Parenting Assistance (CAPA) program.

- ✓ **Re-Entry Services** – Spokane County Detention Services (509) 477.2278
<https://www.spokanecounty.org/408/Re-Entry-Services>
 - **Fulcrum Offender Education and Re-Entry Program**
 - Fulcrum Institute Dispute Resolution Clinic began educational programs at Geiger in June, 2012. The Fulcrum Education Program also offers post-release employment assistance at the Fulcrum business office, as well as other re-entry services.
 - **Partners with Families** (509) 473.4810 - 1321 W. Broadway, Spokane, WA 99201 <http://partnerswithfamilies.org/>
 - The mission of Partners with Families and Children is to prevent, interrupt and repair cycles of abuse and neglect within families.
 - Children’s Advocacy Center.
 - Mental Health Services (Individual and Family Counseling, Evidence Based Practices.
 - Substance Use Assessment and Treatment
 - Parenting Support (Engaging Fatherhood, Guiding Good Choices, Incredible Years)
- ✓ **Second Harvest** (509) 534-6678 - 1234 East Front Ave. Spokane, WA 99202
<http://www.2-harvest.org/>
 - Fighting hunger, feeding hope: Second Harvest brings community resources together to feed people in need through empowerment, education and partnerships.
- ✓ **Childbirth and Parenting Assistance CAPA** (509) 455.4970 - 12 East 5th Avenue Spokane, WA 99210-2253 http://spokanecares.org/index.php?org_ref=54
 - Catholic Charities of Spokane provides comprehensive support for pregnant and/or parenting young parents with children 3 and under.
- ✓ **SNAP Fort Wright** 3102 W. Fort George Wright Drive Spokane, WA 99224
Phone: (509) 456-SNAP (7627)
 - **LOW-INCOME HOUSING RESOURCES**
 - Landlords will do a background and credit check for each adult in the household. Be up-front about any barriers such as evictions, criminal history and credit. If you are having problems getting into housing because of barriers, you can take a Responsible Renter Program class that might help you obtain housing. The classes can be taken at Salvation Army (509-325-6821) and at Women’s Hearth – for women only (509-455-4249).

**CRISIS POINT 6: Father DUI Arrest - Mother Abusing Drugs –
CPS Intervention with ICWA**

- ✓ **Court Appointed Special Advocates** (CASA - a program of Spokane County Juvenile Court) (509) 477-2469 – 824 N. Adams St. Spokane, WA 99201
http://spokanecares.org/index.php?org_ref=52
 - CASA volunteers are court ordered to advocate for the rights of abused and neglected children between the ages of birth and 17. This is one way the community participates with the social and justice systems to find the best possible solutions for these children. CASA utilizes ordinary citizen volunteers appointed by the court to represent children in state care. They represent the best interests of children who have been abused or neglected, ensuring that justice is served through the legal system.
- ✓ **American Indian Community Center** (AICC) (509) 535.0866 - 610 East North Foothills Drive Spokane, WA 99207 <http://www.aiccinc.org/>
 - AICC partners with organizations and volunteers to make a sustainable impact and transform the lives of our urban-based Native and Non-Native families in greater Spokane by facilitating projects within each of the following domains: Employment & Training, Education, Culture, and Social Services.
- ✓ **NATIVE Project** (509) 325-5502 - 1803 W Maxwell, Spokane, WA 99201
<http://nativeproject.org/>
 - NATIVE Project has a vision of community that promotes balance and harmony in the pursuit of:
 - Drug and alcohol free lifestyles
 - Spiritual, cultural and traditional Native values
 - Wellness and balance of mind, body and spirit for each person
 - Respect and integration of all healing paths to wellness for self and others
 - Lifestyles which encourage and are supportive of prosperity
 - Education and awareness
 - By creating a circle of care using one team and one voice, individuals, staff, families and agencies will utilize skills, leadership, cultural and spiritual consciousness to give back to his or her community by living as WARRIORS, NURTURERS, SCHOLARS AND COMMUNITY ACTIVISTS

CRISIS POINT 7: Multiple Foster Families - Out-Of-State Placement with Oklahoma Tribe – Adoption

- ✓ **Educational Advocacy Program** -Children’s Administration DSHS (360) 902.8474
email: eareferrals@dshs.wa.gov <https://www.dshs.wa.gov/ca/adolescents/educational-advocacy-program>
 - The Educational Advocacy Program provides direct advocacy, consultation, information and referral services for youth in care. All youth who are in out of home care with educational needs are eligible. Educational Advocacy Coordinators (EACs) are located throughout the state. EACs provide information and referral services designed to help keep foster youth engaged in school and progress toward graduation.
- ✓ **Treehouse, Educational Advocacy** (206) 267.5140
<http://www.treehouseforkids.org/our-services/academic-resource-center/educational-advocacy-training/>
 - In partnership with DSHS, Children’s Administration, the Treehouse Educational Advocacy program works with schools, social workers, foster families and youth in foster care to help resolve difficult issues and remove barriers to school success.
- ✓ **RELOCATION GAP**
 - Education system provides record to new location but resources are lost.
 - Child Welfare system provides record to new location but resources are lost.
 - Legal system provides record to new location but resources are lost.

ABCDE Scenario: Substantive Law

March 2017

Lisa Lydon
Assistant Attorney General
Social and Health Services Section Chief
1116 W Riverside Avenue
Spokane, WA 99201-1106
(509) 458-3527
LisaS2@ATG.WA.GOV

CRISIS POINT 1: Born Addicted/CPS Intervention/Out-of-Home Care

- RCW 26.44.056 - Protective detention or custody of abused child AKA “Hospital Hold”
 - Also see RCW 26.44.050-Abuse or Neglect of child-Duty of law enforcement agency or department of social and health services-Taking child into custody without court order, when AKA “AEP” or “Protective Custody-PC”
- Universal Developmental Screening for All Children (SB 5317)
- RCW 26.44.030-Reports-Duty and authority to make Mandatory and permissive reporters
 - Report to Children’s Administration of Neglect/Abuse
 - Investigation v. Family Assessment Response-FAR response RCW 26.44.260-272
 - Investigation-interviewing children outside the presence of the parents-RCW 26.44.030(14)(a)(i)
 - Access to records of the child-RCW 26.44.030(14)(a)(ii)
- RCW 13.34.040-Petition for dependency;
 - Definition of a Dependent Child-RCW 13.34.030(6)(a-c)
- RCW 26.44.053-GAL appointment;
 - Court *shall* appoint a GAL in any judicial proceeding per RCW 24.44 or RCW 13.34; Requirement satisfied if child represented by counsel
- DOSA for Mom
 - RCW 9.94A.660
 - Drug offender sentencing alternative—Prison-based or residential alternative.

SCENARIO II

CRISIS POINT 2: Grandparents 3rd Party Custody/Mother Retains Custody at Age 2

- 3rd Party Custody Petition-RCW 26.10;
 - Sometimes used to preclude the filing of a petition for dependency

CRISIS POINT 3: CPS Closes Case/Mandatory Reporter Avoidance

- RCW 26.44.030 Reports
 - Duty and authority to make
 - Duty of receiving agency
 - Duty to notify

CRISIS POINT 4: Significant Injury to Mother/Child - 3rd Party Petition Dismissed

- RCW 24.44.056 protective detention or custody of abused child
- RCW 26.44.050 authorization for emergency placement

CRISIS POINT 5: Father Out of Prison - Gains Custody of ABCDE –

- Chapter 26.12 RCW - FAMILY COURT
- Chapter 26.26 RCW - UNIFORM PARENTAGE ACT
- Family Voluntary Services

**CRISIS POINT 6: Father DUI Arrest - Mother Abusing Drugs –
CPS Intervention with ICWA**

- Indian Child Welfare Act - ICWA RCW 13.38; 25 U.S.C.A. s 1901-1963;
- Bureau of Indian Affairs regulations - 25 CFR 83

**CRISIS POINT 7: Multiple Foster Families - Out-Of-State Placement with
Oklahoma Tribe – Adoption**

- RCW 26.34-Interstate Compact on Placement of Children
 - In re D.F.M. 170 Wn.2d 1026 (Wash. 2011) (Tribes can opt in, but are not necessarily signatories to the compact)
- RCW 26.33.295 Open adoption agreements—Agreed orders—Enforcement.

Scenario III - Jamie

Child Welfare System (12-17) Presentation

Children's Administration – Department of Social and Health Services

Cameron Norton, Child Protective Services and Family Reconciliation Services Supervisor

Many of the experiences that impact the life of a child 0-11 in the child welfare system shifts with the onset of adolescence. While these children are less vulnerable given their emerging abilities to meet their own needs and be protective of themselves they also are faced with more pronounced emotional issues, a strong desire to start making some of their own decisions and fewer available resources.

At the age of 12/13 children must give consent for treatment, they are assigned attorneys to represent them in court and are able to start making decisions about what services they will participate in and potentially where they want to live.

In the child welfare system, life for an adolescent can often be very unstable. There are less homes that are willing and equipped to take on teenagers. Often times teens who are coming into care for the first time have lacked structure in their family environments and they resent strangers enforcing rules upon them. The typical response is to act out behaviorally leading foster parents to feel like they cannot manage that child in their home. Instead of these behaviors stabilizing they tend to increase, limiting the potential resources for placement and forcing the child welfare agency to place the child in a more restrictive setting. When the child feels too restricted they can respond by running away, ultimately placing themselves at a high risk for suffering other adverse experiences.

At some point it must be considered whether children in this age group are actually safer in their familial home rather than on the streets where they often end up after running away from institutional settings.

The child welfare system is often tasked with assisting families with teens who are in conflict. This must be differentiated from teens who are actually unsafe in the family environment. Teens often feel unheard and restricted in decision making, they want to make decisions for themselves and can lash out, leading to family conflict. While there are court interventions to help in these situation they can often be problematic as well. A Child in Need of Services (CHINS) Petition can be filed by a child requesting to live outside of the family home while the family participates in services, however many times families have already exhausted relative resources and are unable to find an appropriate alternative. Teens will often suggest friends or other situation that are inappropriate. Parents can file an At Risk Youth (ARY) petition with the court, however the onus is on them to enforce the court orders and file contempt motions when the child is not compliant.

Protection needs of an adolescent often present differently than with younger children, and the challenge can be to find the balance between their emerging autonomy and self-reliance, and the need for legal intervention.

Scenario III - Jamie
Youth Life Path Presentation – Child Welfare System (12-17)
Spokane Public Schools
Jason Anderson, Academic Support Specialist

Any parent in the room can clearly describe the scene as their children were born. We were all so nervous and excited, scared and happy. We eagerly awaited the birth of our new biggest responsibility. The ultrasound likely showed that your child was male, or your child was female. Imagine if that wasn't exactly the case. Five fingers on each hand, 5 toes on each foot. Two ears, two eyes, two arms, two legs. One nose, one mouth, one...uh...that's not a...is it a...I don't know how to answer that!

All at once, some parent's idea of what is the norm comes crashing down. Their heads are flooded with concerns. Neither of the names we picked seem to fit, do we pick a new one? What clothes should we dress the baby in? The room is painted pink; do I need to repaint it? How will I answer when asked if it is a boy or a girl? Often times parents will rush to judgment and force a gender upon newborns. This can be ultimately problematic in the long run as the choice often goes in the wrong direction.

Gender identity is not always this one or that. Society needs to acknowledge that not every child is on the path to choosing a male or female gender identity. Many children (and adults) feel like they are both genders, neither gender, or go back and forth. They have already arrived at their final destination, which is a space outside typical gender constructs. Or perhaps they may still be figuring it out. We won't know until our child knows and can communicate this to us, and that may take many years. It is important for us to follow their lead, and let them figure out who they are at their own pace. Not all parents have the capacity and wherewithal to persevere and support their youth in these ways.

That brings us to Jaimie. Jaimie's step father had done his best to be understanding. He struggled with the situation more than he let on. In an effort to accommodate Jaimie, dad had been purchasing "back alley" hormone therapy, and had paid for home silicon injections to alter Jaimie's features. Although these actions made the two feel connected in the short term, the long term was very much in question. His stress went unchecked and unaddressed bringing him to a breaking point. A heated discussion turned physical and Jaimie's father beat her severely. After leaving the hospital, Jaimie did not return home, instead going couch to couch until welcomes were worn out.

Jaimie's mother cried easily and often. She simply had not figured out how to accept the realities of their situation. Their relationship came to an abrupt halt after one phone call. Wasn't there something they could work out? Maybe Jaimie could just dress opposite on weekends or at times when most people wouldn't see? Dad has refused counseling, but I know things will be different. Everybody has to sacrifice something in this life, and wasn't there a compromise, wasn't there a way? Jaimie's mother's questions came quick spilling out almost without pause. Realizing the finality of the conversation, Jaimie politely told her mother that none of those were

a viable solution and gently hung up the phone. In Jaimie's mind, living on the street seemed much easier than dealing with her home life. Jaimie was now completely alone.

The story does not end there. A long road full of potential pitfalls awaits. Today, we take a look at Jaimie's life path, pivotal tipping points, and gaps in social services which lead to Jaimie's displacement from her home, as well as what steps could (and should) be taken to keep success in sight. Let's now take a look at where Jaimie goes from here taking stock in the following areas:

- What should parents do if they think their child is gender non-conforming or transgender?
- What resources exist to help families with transgender children?
- Gaps in services and resources
- Adverse Childhood Events and their effects
- Interventions, or lack thereof
- The legal ramifications of being embedded in the Child Welfare System
- Social/ societal skill deficiencies and how to combat them
- Viability of foster care with transgender youth
- Mental illness' effects and how to overcome them
- Self-medication, substance abuse

Jaimie's ACE Score is 7 and is based on these adverse events from the questionnaire.

1. Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt?
2. Did a parent or other adult in the household often or very often... Push, grab, slap, or throw something at you? or Ever hit you so hard that you had marks or were injured?
3. Did an adult or person at least 5 years older than you ever... Touch or fondle you or have you touch their body in a sexual way? or Attempt or actually have oral, anal, or vaginal intercourse with you?
4. Did you often or very often feel that ... No one in your family loved you or thought you were important or special? or Your family didn't look out for each other, feel close to each other, or support each other?
6. Were your parents ever separated or divorced?
8. Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?
9. Was a household member depressed or mentally ill, or did a household member attempt suicide?

Child Welfare (12-17) Panel: Specific Resources Detailed for Jamie's Life Path by Crisis Point

CRISIS POINT 1: Parental Assault on a Child for Conversion Therapy Reasons/Dependency

- ✓ **CPS Intake Line** 1.800.557.9671 DSHS Children's Administration
<https://www.dshs.wa.gov/ca/child-safety-and-protection/how-report-child-abuse-or-neglect>
 - Offices within local communities are responsible for receiving and investigating reports of suspected child abuse and neglect. Reports are received by Child Protective Services (CPS) located in each community office and assessed to determine whether the report meets the legal definition of abuse or neglect and how dangerous the situation is.
- ✓ **Crisis Residential Centers** (CRC's) are short-term, semi-secure facilities for runaway youth, and adolescents in conflict with their families. Youth cannot remain in a CRC more than 15 consecutive days. (509) 624.2868 - 201 W. 6th Ave Spokane WA 99201
<http://www.yfaconnections.org/contact.html>
 - Counselors at the CRC work with the family to resolve the immediate conflict. Counselors will also help the youth and family develop better ways of dealing with conflict in the future. The goal is to reunite the family and youth wherever possible. The family will also be referred for additional services if other needs are identified.
- ✓ **Family Reconciliation Services** (FRS) Spokane DCFS (509) 363-3550 - 1313 N. Atlantic St., Ste 2000 Spokane, WA 99201
<https://www.dshs.wa.gov/ca/adolescents/riskrunaway-youth>
 - FRS is a voluntary program serving runaway adolescents, and youth in conflict with their families. The program targets adolescents between the ages of 12 through 17. FRS services are meant to resolve crisis situations and prevent unnecessary out of home placement. They are not long term services. The services will assess and stabilize the family's situation. The goal is to return the family to a pre-crisis state and to work with the family to identify alternative methods of handling similar conflicts. If longer-term service needs are identified, FRS will help facilitate getting the youth and his/her family into on-going services.
- ✓ **Odyssey Youth Movement** (509) 325.3637 - 1121 South Perry Street Spokane, WA 99202 <http://www.odysseyyouth.org/>
 - OYM is a youth-led adult-supported organization committed to creating, sustaining, and advocating for safe and affirming programs, policies, and services for the LGBTQQ+ youth community.

- ✓ **Teen Closet** (509) 534.1151 - 9212 E. Montgomery Suite 302 Spokane Valley, WA 99206 <http://teencloset.org/>
 - “Helping boost the self-esteem of teenagers in foster care and others in-need, by providing fashionable clothing and accessories of their choice.”
- ✓ **Spokane Youth for Christ** (509) 327.7721 - 1309 N Ash St, Spokane, WA 99201 <https://www.spokaneyfc.org/>
 - YFC’s focus is on three impoverished neighborhoods: West Central, Hillyard & Downtown. These are a few of the poorest neighborhoods in the state of Washington. The majority of the young people in these neighborhoods come from poor homes, live life without a father, are plagued by drug and alcohol abuse, experience significant loss, and feel hopeless. Despite the brokenness of their story, these young people are bursting with potential and demonstrate tremendous resiliency.
 - YFC is compelled by the love of Jesus to relationally enter the stories of these young people and empower them to change their own community for Christ.

CRISIS POINT 2: Sexual Behavior

- ✓ **Children With Problematic Sexual Behaviors** – Lutheran Community Services (509) 747.8224 - 210 W. Sprague Ave. Spokane, WA 99201 <http://www.lcsnw.org/spokane/Youth.html>
 - Young people are like sponges – they absorb the behaviors, values and feelings of those around them. Acting out sexually may be a reaction for children who have been exposed to: inappropriate adult sexuality, Internet pornography, books, movies, magazines or living in a sexually charged environment. Some children may have been sexually abused. We work with children (ages 17 and under) and their parents by providing positive interventions and support which help redirect the child to learn positive coping skills and healthy behaviors. We have over 20 years of experience partnering with families and the community to address these sensitive issues.
- ✓ **Crosswalk Teen Shelter** (509) 838.6596 - 525 W 2nd Ave, Main Floor, Spokane, WA 99201 <https://www.voaspokane.org/crosswalk>
 - Volunteers of America helps the most vulnerable and under-served people in the Inland Northwest to achieve their full potential. Our services are locally designed to address the most pressing social issues in our community—especially the current need to eliminate homelessness in the region.
 - Specifically, the goal of **Crosswalk** is to help young people avoid or leave the streets by re-uniting families, supplying survival necessities, finding safe homes, teaching self-sufficiency, and offering hope and support. We consider the street a dangerous, unhealthy place to live and we help youth find alternatives to the street.

- ✓ **Court Appointed Special Advocates** (CASA - a program of Spokane County Juvenile Court) (509) 477-2469 – 824 N. Adams St. Spokane, WA 99201
http://spokanecares.org/index.php?org_ref=52
 - In practice youth over the age of 12 are appointed their own attorney and are no longer assigned a CASA.
- ✓ **Commercially Sexually Exploited Children CSEC** –Lutheran Community Services 24-Hour Hotline 1 (866) 751.7119 or (509) 747.8224 - 210 W. Sprague Ave. Spokane, WA 99201 <http://www.lcsnw.org/spokane/humantrafficking.html>
 - Lutheran Community Services provides a spectrum of services to identify and assist victims of human trafficking. Direct Services offered include: case management, counseling, legal and immigration advocacy. Lutheran Community Services' Anti-Trafficking Coordinator also conducts training on victim identification and referral for law enforcement, service providers, and community groups.

CRISIS POINT 3: Run Away Foster Youth

- ✓ **HOPE Centers** are part of the Crisis Residential Centers congruent with Crosswalk the state's version of a shelter – youth may self-present – not for foster youth. (509) 624.2868 - 201 W. 6th Ave Spokane WA 99201
<http://www.yfaconnections.org/contact.html>
 - HOPE Centers provide temporary residential placements for street youth under the age of 18. These are homeless youth living on the street or other unsafe locations. Youth may self-refer to a HOPE Center for services. Entering a HOPE Center is voluntary. While residing in a HOPE Center, each youth will undergo a comprehensive assessment. Youth may stay in a HOPE Center for up to 21 days.
- ✓ **Responsible Living Skills Program** (RLSP) (360) 902.8063 Peggy Lewis
Lopp300@dshs.wa.gov
 - Responsible Living Skills Program is a placement option for foster youth who are dependent aged 16-18 (may extend to age 21 if the youth is participating in Extended Foster Care) who have not had success in other, traditional, state placement. The youth may have been living on the streets or other unsafe locations. Occasionally, youth aged 14-15 may qualify for a RLSP placement.
 - Children's Administration contracts with community based agencies that provide supervised residential/foster Responsible Living Skills. The Program encourages positive youth development and teaches youth independent living skills.

CRISIS POINT 4: Mental Health / Substance Abuse **(Dependency Enforcement)**

- ✓ **Suicide Prevention Resource Center** www.sprc.org
 - Surgeon General's Call to Action to Prevent Suicide
www.surgeongeneral.gov/library/calltoaction/default.htm
 - National Suicide Lifeline 1 (800) 273.TALK www.suicidepreventionlifeline.org
 - First Call for Help Crisis Hotline (509) 838.4428
- ✓ **Youth Suicide Prevention Program** – Tamara Wright tamara@yspp.org
 - YSPP field coordinators build a strong local support system for youth. To strengthen communication and collaboration among schools, families, churches, service clubs and local and regional government agencies, our coordinators create local coalitions that strive to ensure that fewer young people will fall between the cracks.
 - These dedicated workers are the hands, heart and pulse of youth suicide prevention in each location where they serve.
- ✓ **Frontier Behavioral Health** (509) 838.4651 - 107 South Division Spokane, WA 99202
<http://fbhwa.org/>
 - As a Trauma-Informed Care organization, Frontier Behavioral Health (FBH) strives to ensure that individuals of all ages have timely access to mental health services from knowledgeable caring providers.
- ✓ **Daybreak Youth Services** Spokane Outpatient (509) 444.7033 - 960 E 3rd Ave Spokane, WA 99202 Spokane Inpatient (509) 624.3227 - 628 S. Cowley Street Spokane, WA 99202 <https://daybreakyouthservices.org/>
 - Daybreak has been successfully treating teens for drug and alcohol addiction since 1978. We are committed to serving teens and their families, and have become an innovative leader in the youth drug and alcohol treatment field. We operate outpatient and inpatient treatment programs in Eastern and Western Washington. Daybreak serves teens from around the Northwest. Together, Daybreak's programs serve nearly 1,000 adolescents each year.
- ✓ **Excelsior Youth Center** (509) 328.7041 - 3754 W Indian Trail Rd, Spokane, WA 99208
<http://www.excelsioryouthcenter.com/>
 - Excelsior offers a variety of person centered, trauma informed and co-occurring enhanced services. Integrated healthcare and specialty behavioral healthcare programs are available to youth and their families through outpatient, hospital diversion, caregiver respite, transition age youth services and mental health or substance use disorder MH/SUD residential services.

- ✓ **Foster Youth Services a program of Volunteers of America** (509) 688.1115
smack@voaspokane.org 525 W Second Ave, 2nd level Spokane, WA 99201
<https://www.voaspokane.org/foster-youth-services>
 - *Independent and Transitional Living services:* Our Independent and Transitional Living services give foster youth a constant support, staying by their side from age 15 to 21, offering skills, resources and support all along the way. Our services, are designed to prepare foster youth beforehand for the little and big things they might not see coming as they set out on your own.
 - *SETuP:* When foster youth reach their junior year of high school, our Supplemental Education Transition Planning, or “SETuP” program, works with foster youth, their foster family (or families), their school and others to get them into college and make sure they succeed when they get there.
 - *Independent Youth Housing Program:* The Independent Youth Housing Program (IYHP) provides rental assistance and case management to eligible youth aging out of the Washington state dependency system. These funds are intended to assist in meeting the goal of ensuring that all such youth avoid experiencing homelessness within four months of their 18th birthday by having access to a decent, appropriate, and affordable home in a healthy safe environment.

- ✓ **The Healing Lodge of the Seven Nations** (509) 533.6910 5600 - East Eighth Avenue Spokane Valley, WA 99212 <http://www.healinglodge.org/>
 - The Healing Lodge of the Seven Nations (The Healing Lodge) is a 45-bed adolescent residential chemical dependency treatment center in Spokane Valley, Washington. We serve males and females ages 13-17 through our 90 to 120 day intensive inpatient treatment programs that are designed around individual youth’s needs. Although our primary focus is on the Native American population, our services are open to all adolescents.

Jamie Scenario: Substantive Law

March 2017

Rosey Thurman
Staff Attorney - Team Child
1704 W. Broadway
Spokane, WA 99201
(509) 323-1166
rosey.thurman@teamchild.org

Crisis Point 1: Parental Assault on a Child for Conversion Therapy Reasons/Dependency

- *Family Reconciliation Services*
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.040>
- *Definition of Child Abuse & Discipline*
 - Chapter 26.44 RCW:
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=26.44.020>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.16.100>
- *Dependency* RCW 13.34
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34>
 - RCW 13.34.065: Shelter care—Hearing
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34.060>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34.060>

Crisis Point 2: Sexual Behavior

- *Conversion counseling therapy*
 - Welch v. Brown, 58 F. Supp. 3d 1079 (E.D. Cal. 2014), aff'd, 834 F.3d 1041 (9th Cir. 2016), as amended on denial of reh'g and reh'g en banc (Oct. 3, 2016)
<http://www.leagle.com/decision/In%20FDCO%2020141106938/WELCH%20v.%20BROWN>
 - Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2014)
<http://www.leagle.com/decision/In%20FCO%2020140129128/PICKUP%20v.%20BROWN>

Crisis Point 2: Sexual behavior (cont.)

- ***Transgender Defined*** RCW 49.010
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.010>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.030>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.210>
- ***Sexually Aggressive Youth Defined*** RCW 74.13
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=74.13.075>
- ***Sexual Crimes*** RCW 9A.44
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44>
- ***Sexual Exploited Youth Defined, Services***
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.270>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.030>
- ***Sexual Exploitation of Children as a Crime*** RCW 9.68A
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A>

Crisis Point 3: Run Away Foster Youth

- ***Dept. of Youth Homelessness Definitions*** RCW 43.330.702 & RCW 13.32A.030
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=43.330.702>
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.030>
- ***Family Reconciliation Act Provisions*** RCW 13.32A.082
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.082>
 - Sheltering a runaway and immunity RCW 13.32.086
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.082>
 - Duties of Law Enforcement RCS 13.32A.086
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.086>
- ***Duty of Law Enforcement Agencies to Identify Runaway Children*** RCW 43.43.510.
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.510>
- ***Dependency Contempt or Failure to Comply***
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34.165>

Crisis Point 4: Mental Health / Substance Abuse (Dependency Enforcement)

- ***As a Dependent*** RCW 13.34
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34.330>
 - Consent for treatment
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=13.34.315>
- ***Mental Health for Youth***
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=71.34>
- Age of Consent for outpatient treatment
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=71.34.530>
- Parent Initiated Treatment RCW: 71.34.620 to .660
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=71.34.530>
- Involuntary Treatment RCW; 71.34.700.901
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=71.34.530>
- ***Substance Abuse***
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=70.96A>
 - Involuntary Treatment
 - <http://app.leg.wa.gov/RCW/default.aspx?cite=70.96A.140>

Scenario IV - Trey
Juvenile Justice System Presentation
Spokane County Juvenile Court Services
Bonnie Bush, Director

Juvenile Court Services has jurisdiction over juveniles who violate criminal laws and who are in need of protection and/or advocacy as a result of abuse, neglect, or abandonment. This is accomplished through probation, court, detention, adoption (Superior Court), and support services.

Our Mission

Serving our community by providing a system that is free for bias based on gender, race, ethnicity, and for other marginalized communities, and by promoting public safety, accountability, and positive change for delinquent, dependent, at-risk children, and their families.

Youth Clientele

- DEPENDENCY (Non-Criminal)
- BECCA (Non-Criminal)
At-Risk, CHINS, Truancy
- CRIMINAL
 - Diversion
 - Probation / Community Supervision
 - Confinement/ Electronic Monitoring
 - Detention Alternative Programs
 - Secure Detention Facility

Reform Efforts

Scenario IV - Trey
Youth Life Path Presentation - Juvenile Justice System
Spokane County Counsel for Defense
Megan Manlove, Public Defender - Juvenile Division

I'll be sharing Trey's story of an adolescent who is heavily influenced by the gang lifestyle. I'll briefly discuss his early childhood, but the main focus will be on his life from ages 12-17, and his various contacts with the juvenile justice system during those years.

Early Childhood: Dad in gang, physically abuses mom, and eventually leaves the family. Trey's older brother in gang and serving prison sentence. Mom is mentally ill. Other close family members and friends are gang members or affiliates. Trey lacks family support so turns to gang life. Proud of his gang lifestyle, brother being in prison, etc.

AGE 12: Trey caught vehicle prowling. Mom doesn't want him home so he's brought to detention. Released to CRC then to an aunt. Case sent to diversion. Mom wants Trey back for the government benefits, but needs help so she files an ARY. Trey wants to live with aunt so he files a CHINS. Goes to aunt's but no rules and little supervision. Trey becomes more entrenched in gang lifestyle and his gang "family." Trey begins hanging out more with gang friends and starts couch surfing, missing school. Now has to go to court for truancy.

AGE 14: Trey out vehicle prowling again with gang friends. Owner catches them, physical altercation ensues, and Trey beats up owner. Picks up felony assault charges and gets detained in juvenile detention. Spends several weeks there and then is released with probation after he pleads guilty to felony assault charge.

Doesn't do well on probation, gets several warrants and probation violations.

AGE 16: Trey primarily living and hanging out with gang family. Completely entrenched in gang lifestyle. Goes to party with gang friends, drinking and using drugs. Gets into verbal altercation with other kids at party. Trey has a firearm and shoots one person and tries to shoot another. Charged with Assault 1 and Attempted Assault 1. Automatically transferred to adult court (auto declined) and convicted of adult felony charges. Serves a 2-year sentence at JR.

ATTORNEY'S FOCUS:

- ✓ Why would youth/families embrace gang lifestyle and involvement in the juvenile justice system?
- ✓ What risk factors lead to youth getting involved in the juvenile justice system?
- ✓ Why do some youth with high ACE scores seem to thrive within their culture?
- ✓ Why does this youth keep reoffending?
- ✓ Why isn't the youth responding to various services offered by juvenile justice system?
- ✓ How do we get youth involved in gangs positively reengaged in the community?
- ✓ What gaps exist in the juvenile justice system for youth like Trey?
- ✓ How will a youth's criminal history impact him or her in the future?
- ✓ What are some ways to reintegrate young adults back into society after release from JR?

(See Next Page for Trey's ACE Score...)

Trey's ACE Score is 5 and is based on these adverse events from the questionnaire.

6. Were your parents ever separated or divorced?
7. Was your mother or stepmother: Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?
8. Did you live with anyone who was a problem drinker or alcoholic, or who used street drugs?
9. Was a household member depressed or mentally ill, or did a household member attempt suicide?
10. Did a household member go to prison?

Juvenile Justice Panel: Specific Resources Detailed for Trey's Life Path by Crisis Point

CRISIS POINT 1: Vehicle Prowling – Booked – Risk Assessment – Diversion Letter

- ✓ **Diversion Juvenile Court Services** (509) 477.4742 – 824 N. Adams St. Spokane, WA 99201 <http://www.spokanecounty.org/723/Diversion>
 - A juvenile in Diversion does not go to court, and there is no trial before a judge. The juvenile and parents meet with the Neighborhood Accountability Board supervised by a Probation Counselor. The juvenile is not placed on probation. The juvenile signs a Diversion Agreement which is a contract between the juvenile and the Diversion Unit. The contract is tailored to the needs of the individual youth. A Diversion Agreement is not a conviction; the record is not available to the public. Diversion Records can be both sealed and destroyed.
 - Services offered by the Diversion program include Coordination of Services for youth and parents; Refusal Skills classes; Anger Management Classes; Girls Groups.
 - Referrals to community treatment providers for skill building and counseling (Native Project, Boy and Girls Club, Drug Alcohol- DayBreak, Job Corp, etc.).
- ✓ **Team Child** (509) 323.1166 - 1704 W. Broadway Spokane, WA 99201 spokaneinfo@teamchild.org
 - Every day, thousands of youth face profound legal and social barriers that increase their chances of dropping out of school, being homeless or ending up in the juvenile justice system. Team Child uses its legal expertise and community partnerships to break down barriers to community services in order to overcome the root causes of a youth's involvement in the juvenile justice system. Crisis Point 2: Family Member Custody to Crisis Residential Center
- ✓ **Youth and Police Initiative** (YPI) Contact: Jennifer DeRuwe (509) 209.7178 jderuwe@spokanepolice.org
<http://www.spokanepal.org/ypi.html>
 - The Youth & Police Initiative (YPI) increases communication and improves the relationship between youth and police. The program brings enormous benefits to the community, reduces crime, and helps youth develop positive attitudes towards police and their communities.

CRISIS POINT 2: Family Member Custody to Crisis Residential Center

- ✓ **Crisis Residential Centers.** (509) 624.2868 - 201 W. 6th Ave Spokane WA 99201
<http://www.yfaconnections.org/contact.html>
 - The "Becca Bill" (named after a runaway youth who was subsequently killed) established secure crisis residential centers for runaway youth. The Becca Bill authorizes law enforcement to pick up runaway youth, or youth found in "dangerous circumstances", and place them in these physically secure, short-term residential facilities. Youth may not remain in a CRC longer than 5 consecutive days in a detention based facility or 15 days in a non-detention facility, but the total length of stay may not exceed 15 consecutive days.
 - The Regional Crisis Residential Center provides temporary shelter and crisis counseling for youth ages 12 through 17 who are in conflict with their family, have run away from home, are at risk of running away, or are homeless. While family reunification is the ultimate goal, the need for alternate resources may be identified. Our services address strengthening family relationships, providing linkages to appropriate community services, encouraging stable living conditions and assisting youth in planning a healthy future course of action. Youth who stay at the Crisis Residential Center receive individual, group and family counseling tailored to their personal needs with the goal of addressing the issues related to running away and/or homelessness.

CRISIS POINT 3: Back to Parents for Benefits – ARY vs CHINS

- ✓ **At Risk Youth (ARY) Petition - Juvenile Court Services** (509) 477.2459 - 824 N. Adams St. Spokane, WA 99201
<https://www.spokanecounty.org/DocumentCenter/View/998>
 - Through this process parents may petition the courts for assistance with their teen while the teen resides in their home. Court orders mandate the youth attend school, remain at home, abstain from all drug/alcohol use, follow a curfew, and potentially a list of other case by case directives.
- ✓ **Child in Need of Services (CHINS) Juvenile Court Services** (509) 477.2459 - 824 N. Adams St. Spokane, WA 99201
<https://www.spokanecounty.org/DocumentCenter/View/996>
 - To show that you are in need of services, a caseworker from the FRS office at DSHS must assess the situation at your home and make a decision about whether it is a situation like any one of the four described above. To get this assessment, which is known as a Verification of Family Assessment, you must contact the FRS office at DSHS to make an appointment to talk to a caseworker. If a caseworker does not complete an assessment within two working days following your request for the assessment, you or your parent may file a CHINS petition directly with the juvenile court. A working day means a day falling on Monday through Friday.

CRISIS POINT 4: Couch Surfing / At-Risk-Youth to Contempt

In all petitions, all parties are capable of being in contempt of court for violating the court order or failure to participate in court ordered services, and can face sanctions if found in contempt by the Court.

- ✓ **Spokane County Juvenile Court Services** (509) 477.2459 - 824 N. Adams St. Spokane, WA 99201 <https://www.spokanecounty.org/618/Juvenile-Court>
 - If youth whereabouts are unknown a warrant is issued.
 - If youth is arrested and held in contempt sanctions may include: essay writing, attend the Weekend Program, attend Boy/Girls Group, complete community service work, placed on electronic monitoring and as a last resort held in secure confinement for no more than 7 days for Civil cases.
 - If youth is not enrolled in school, the court may require attendance at the Juvenile Court's Day Reporting School. This is a short term transition school.
 - Juvenile Court case managers will continue to look for community resources for the youth and parents.

CRISIS POINT 5: Vehicle Prowling/Assault/Battery – Criminal Detention

- ✓ **Spokane County Juvenile Court Services** (509) 477.2459 - 824 N. Adams St. Spokane, WA 99201 <https://www.spokanecounty.org/618/Juvenile-Court>
 - Based on current charges and supported by the Juvenile Court's Detention Risk Assessment Instrument, the youth is detained,
 - Youth goes through Court process is sentenced and placed on Probation Supervision with the following services:
 - Assigned to a Probation Counselor
 - Risk and Needs Assessment
 - Access to Evidence Based Programs through the Court (Aggression Replacement Training and Functional Family Therapy)
 - Focus on pro-social activities, school attendance, Counseling and family support
- ✓ **Job Corp** (800) 733-JOBS or (800) 733-5627 <http://www.jobcorps.gov/Youth.aspx>
 - Job Corps is a no-cost education and vocational training program administered by the U.S. Department of Labor that helps young people ages 16 through 24 improve the quality of their lives through vocational and academic training. Funded by Congress, Job Corps has been training young adults for meaningful careers since 1964. Job Corps is committed to offering all students a safe, drug-free environment where they can take advantage of the resources provided. Job Corps' mission is to attract eligible young people, teach them the skills they need to become employable and independent, and place them in meaningful jobs or further education.

- ✓ **Daybreak** Spokane Inpatient 628 S. Cowley Spokane, WA 99202 (509) 624-3227
 Spokane Outpatient 960 E. 3rd Ave, Spokane WA 99202 (509) 444-7033
 Vancouver Inpatient 2914 Falk Rd, Vancouver, WA 98661 (360) 750-9588
 - Founded in 1978, Daybreak Youth Services is a non-profit organization that provides inpatient and outpatient treatment for teens struggling with addiction and mental health issues. Daybreak is an organization of caring counselors, skills coaches and ardent advocates in place to help teens and families recover and heal across the Inland Northwest, including Washington, Idaho, Oregon, Montana and Alaska

- ✓ **WorkSource Next Generation Zone** (509) 340.7800 901 E. 2nd Ave., Spokane WA 99202 <http://www.nextgenzone.org/>
 - The Next Generation Zone provides education, career skills training, and community and employment resources to young adults ages 16-24. They seek to inspire and motivate young adults to explore their skills and interests, and provide exposure to the world of work. The Next Gen Zone focus is on providing education around regionally in-demand industries to prepare the emerging workforce for the jobs of tomorrow. They work with a wide array of community partners, educators, private foundations, and business supporters to leverage resources and provide a one-stop center that meets the needs of the region's young adults.

- ✓ **YouthBuild** - AmeriCorps Office (509)789-3708 NEW ESD101 Riverside Campus 2424 E Riverside Ave http://americorps.esd101.net/?page_id=309
 - Applicants must be -18 to 24 years old by program start date - Demonstrate a desire to help the community
 - Become Part of YouthBuild Spokane
 - Develop Life Skills - Earn While you Learn - Job Readiness Training
 - Give Back to the Community - Earn your GED or High School Diploma
 - Learn Construction and Health Care Skills

CRISIS POINT 6: Drug/Gang Party with a Gun – Auto Decline

Youth found guilty in adult court and sentenced to the Department of Corrections. Base on youth's age, he will be housed at JRA's Greenhill Institution until he is 18 years of age.

- ✓ **Juvenile Rehabilitation Administration (JRA)** serves Washington State's highest-risk youth. Youth may be committed to JRA custody by any county juvenile court. The juvenile courts follow prescribed sentencing guidelines to determine which youth will be committed to JRA. These youths typically have committed many lower-level offenses or have committed a serious crime. <https://www.dshs.wa.gov/ra/juvenile-rehabilitation>
 - Based on charges youth is referred to Juvenile Rehabilitation Administration and sent to a Juvenile Institution and offered services.
 - JRA's [Integrated Treatment Model](#) is a research-based treatment approach that utilizes cognitive-behavioral and family therapy principles. The model is tailored for use in both residential and parole programs in the JRA continuum of care. The behavior change strategies used in the model and skills the youth learn are drawn from *Dialectical Behavior Therapy* by Marsha Linehan, PhD, as well as from *Aggression Replacement Training (ART)* by Arnold P. Goldstein, Barry Glick, and John C. Gibbs.
 - In community settings youth are monitored under [Functional Family Parole](#). The treatment and intervention focus shifts to creating a more functional environment within the family where the youth resides. Research on maintaining and supporting behavior change for troubled adolescents indicates intervention is most effective if promoted within a family context. Parole staff work with families to address the role each member has in generating and ultimately resolving "problem behavior". The primary theoretical foundation for this section of the model come from James Alexander, PhD and Thomas Sexton, PhD in *Functional Family Therapy*, a research-based family intervention considered a "Blueprint" model from the Center for the Study and Prevention of Violence.

Juvenile Justice System

March 30, 2017

Michelle Ressa
Spokane County Superior Court Commissioner

CRISIS POINT 1: Vehicle Prowling – Booked – Risk Assessment – Diversion

RCW 13.34.010 – Intent of the Juvenile Justice Act

It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide for the rehabilitation and reintegration of juvenile offenders;
- (g) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (i) Provide for restitution to victims of crime;
- (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

RCW 13.34.042 Legislative Finding

“The large number of youth involved in the juvenile justice system with mental health challenges is of significant concern. Access to effective treatment is critical to the successful treatment of youth in the early stages of their contact with the juvenile justice system. Such access may prevent further involvement in the system after an initial contact or assist a youth in avoiding any further contact with the juvenile justice system altogether. There is growing evidence that mental health diversion strategies are effective in connecting youth with needed treatment and preventing additional offending behaviors. These strategies allow a continuum of opportunities for connecting youth who may be facing a mental illness or disorder to community mental health services at multiple decision points, such as law enforcement diversion, prosecutor diversion, court-based diversion, and court disposition. The effective use of these strategies can result not only in significant cost savings for the juvenile justice system, but can create the benefit of improved lives of the youth who face mental health challenges and barriers.”

Juvenile Detention

- RCW 13.16.030 – Juvenile Detention is a mandatory function of the County
- RCW 13.04.135 – Counties with over 50,000 people shall provide Juvenile Detention that is separate from adult jail.
- RCW 13.04.116 – Juvenile shall not be confined in adult jail, with few exceptions
- RCW 13.40.038 – Juvenile Detention must provide a humane, safe and rehabilitative environment
- RCW 13.04.145 – An education program shall be provided to youth in Detention
- RCW 13.16.100 - Motion pictures unrated after November 1968 or rated R, X, or NC-17 by the motion picture association of America shall not be shown in juvenile detention facilities or facilities operated by the division of juvenile rehabilitation in the department of social and health services. ☺

Booking Process

1. Police bring youth to detention Intake
2. Prosecutor files an action with arrest warrant
3. All youth are assessed:
 - a. Medical
 - b. Personal History
 - c. Local/State/National Background check
 - d. Is the youth a victim?
4. Youth is searched
5. DRAI (Detention Risk Assessment Instrument)
6. Policies on mandatory booking and discretionary release



SPOKANE COUNTY JUVENILE COURT **Detention Risk Assessment Instrument (DRAI) – (Revised 7/16)**

Name: _____ DOB: _____ Race: ☐ Caucasian ☐ Asian ☐ Hispanic
☐ Native Am ☐ African Am
 Juvenile#: _____ REF#: _____
 Referral Offense: _____ Gender: ☐ Male ☐ Female
 Admit Date: _____ Time: _____ Screener: _____ Shift Supervisor: _____

A. OFFENSE (Score only the most serious current offense)

- ☐ Class A+, A, A- or B+ felony offense... (DISREGARD C & D POINTS BELOW)..... 10
- ☐ Other felony assault or sex felonies against persons and attempt to elude..... 8
- ☐ Felony property including auto..... 5
- ☐ Felony drug possession, possession for sale..... 4
- ☐ Gross misdemeanors..... 3
- ☐ Misdemeanors..... 2

A. _____ OFFENSE POINTS

B. PRIOR OFFENSE HISTORY (Score only one of the following)

- ☐ Felony petition pending or currently on probation for a felony offense..... 6
- ☐ Prior adjudication for B+ or above felony within one year..... 5
- ☐ Prior adjudication on a B, C+ or C felony within one year..... 4
- ☐ Prior adjudication on two or more misdemeanors within one year..... 3
- ☐ Prior adjudication, one misdemeanor within one year..... 1
- ☐ Documented escape from secure custody, last 18 months (EM escape = 3 pts) 6/3
- ☐ Documented court FTA within the last 12 months..... 2

B. _____ HISTORY POINTS

C. AGGRAVATING FACTORS (Add all that apply, up to 3 points)

- ☐ Multiple offenses are alleged for this referral..... 1
- ☐ Crime or behavior alleged was particularly severe or violent..... 1
- ☐ Confirmed runaway history within the last 12 months or minor has no known community ties..... 1
- ☐ Minor is under the influence of drugs/alcohol at arrest..... 1

C. _____ AGGRAVATION POINTS

D. MITIGATING FACTORS (Subtract all that apply, up to 3 points)

- ☐ Involvement in offense was remote, indirect, or otherwise mitigated..... 1
- ☐ No FTA history (warrants)..... 1
- ☐ No arrests or referrals within the last year..... 1
- ☐ Minor is less than 13 years of age..... 1

D. _____ MITIGATION POINTS

TOTAL RISK SCORE (A + B + C - D) =

	0-9 Release	10+ Detain
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COURT ORDERED DETENTION: ☐ Detained COD ☐ Detained Probation Violation (MOD) ☐ Detained Other: _____

MANDATORY HOLDS (Check as applicable)

- ☐ Minor possessed or used firearm
- ☐ Elude or Attempt to Elude
- ☐ Res. Burglary/Burglary 2
- ☐ Active Spokane County/Other Jurisdiction Warrant
- ☐ Detention Alternative or EM failure
- ☐ Violation of Protection Order
- ☐ Minor is active escapee
- ☐ Jail Hold (Population below 30)
- ☐ JRA Parole Violations & Holds
- ☐ Threat to kill or threat of school violence
- ☐ Becca Warrant

SUPERVISOR OVERRIDE: ☐ Override Approved by Supervisor: _____

Notes:

- ☐ Minor is detained because: _____
- ☐ Minor is released because: _____

DETENTION INTAKE RESULT: ☐ Detained ☐ Released to: _____

Spokane County DRAI Revised 7/16

SCENARIO IV

Diversion

RCW 13.40.070: Complaints—Screening—Filing information—Diversion—Modification of community supervision—Notice to parent or guardian—Probation counselor acting for prosecutor—Referral to mediation or reconciliation programs.

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter **10.37** RCW.

(5) Except as provided in RCW **13.40.213** and subsection (7) of this section, where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

- (a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW **9.94A.411**(2) as a crime against persons or listed in RCW **9A.46.060** as a crime of harassment, or a class C felony that is a violation of RCW **9.41.080** or * **9.41.040**(2)(a)(iii); or
- (b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or
- (c) An alleged offender has previously been committed to the department; or
- (d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or
- (e) An alleged offender has three or more diversion agreements on the alleged offender's criminal history; or
- (f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

RCW 13.40.080: Diversion agreement—Scope—Limitations—Restitution orders—Divertee's rights—Diversion unit's powers and duties—Interpreters—Modification.

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

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

- (a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;
- (b) Restitution limited to the amount of actual loss incurred by any victim;
- (c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;
- (d) Requirements to remain during specified hours at home, school, or work, and

restrictions on leaving or entering specified geographical areas; and
(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

...

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverttee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

...

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

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

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

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

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

(ii) Disclosure of all evidence to be offered against the diverttee;

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

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

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

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

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

(e) The prosecutor may file an information on the offense for which the diverttee was diverted:

(i) In juvenile court if the diverttee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diverttee is eighteen years of age or older.

...

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

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

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide.

enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

CRISIS POINT 2: Family Member Custody to Crisis Residential Center

RCW 13.32A.010 – Legislative intent language

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

- RCW 43.185C.295: Youth services—Crisis residential centers
- WAC 388-145-1890: What type of crisis residential center

CRISIS POINT 3: Back to Parents for Benefits – ARY vs CHINS

RCW 13.32A – Family Reconciliation Act

RCW 13.32A.010 – Legislative intent language

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The

legislature further intends to empower parents by providing them with the assistance they require to raise their children.

RCW 13.32A.030 – Definition of ARY (At-Risk Youth) and CHINS (Child in Need of Services)

(3) "At-risk youth" means a juvenile:

- (a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;
- (b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or
- (c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(5) "Child in need of services" means a juvenile:

- (a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person;
- (b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and
 - (i) Has exhibited a serious substance abuse problem; or
 - (ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;
- (c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;
- (ii) Who lacks access to, or has declined to use, these services; and
- (iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or
- (d) Who is a "sexually exploited child."

RCW 13.32A.196 – Disposition of ARY case

(3) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;
 - (b) Counseling;
 - (c) Participation in a substance abuse or mental health outpatient treatment program;
 - (d) Reporting on a regular basis to the department or any other designated person or agency; and
 - (e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.
- (4) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.
- (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement

shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

Services for families-in-conflict: RCW [74.14A.020](#).

Consistency required in administration of statutes applicable to runaway youth, at-risk youth, and families in conflict: RCW [43.20A.770](#).

Family preservation services: Chapter [74.14C](#) RCW.

Foster placement prevention: Chapter [74.14C](#) RCW.

CRISIS POINT 4: Couch Surfing / At-Risk-Youth to Contempt

RCW 13.32A.250: Failure to comply with order as civil contempt—Motion—Penalties.

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW [7.21.030](#)(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with *RCW [13.32A.065](#).

- Youth must be given opportunity to purge the civil sanction.
- Sanction is remedial not punitive – used to address future compliance with the court's orders not punish past violation of the court's order.

CRISIS POINT 5: Vehicle Prowling/Assault/Battery – Criminal Detention

RCW 13.40.040

Taking juvenile into custody, grounds—Detention of, grounds—Detention pending disposition—Release on bond, conditions—Bail jumping.

- (1) A juvenile may be taken into custody:
 - (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or
 - (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or
- (2) A juvenile may not be held in detention unless there is probable cause to believe that:
 - (a) The juvenile has committed an offense or has violated the terms of a disposition order; and
 - (i) The juvenile will likely fail to appear for further proceedings; or
 - (ii) Detention is required to protect the juvenile from himself or herself; or
 - (iii) The juvenile is a threat to community safety; or
 - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
 - (v) The juvenile has committed a crime while another case was pending; or
 - (b) The juvenile is a fugitive from justice; or
 - (c) The juvenile's parole has been suspended or modified; or
 - (d) The juvenile is a material witness.

RCW 13.40.050

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

...

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040.

(6) If detention is not necessary under RCW 13.40.040, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

- (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;
- (b) Place restrictions on the travel of the juvenile during the period of release;
- (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;
- (d) Impose any condition other than detention deemed reasonably necessary to assure

- appearance as required;
- (e) Require that the juvenile return to detention during specified hours; or
 - (f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in *RCW 13.40.040(4).
- (7) A juvenile may be released only to a responsible adult or the department.
- (8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.
- (9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

RCW 13.40.130

Procedure upon plea of guilty or not guilty to information allegations—Notice—Adjudicatory and disposition hearing—Disposition standards used in sentencing.

- (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.
- (2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance.
- (3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.
- (4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.
- (5) If the respondent is found not guilty he or she shall be released from detention.
- (6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing.
- (7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.
- (8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.
- (9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.
- (10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

CRISIS POINT 6: Drug/Gang Party with a Gun – Automatic Decline

RCW 13.40.110

Hearing on question of declining jurisdiction—Held, when—Findings.

- (1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction.
- (2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:
 - (a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;
 - (b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or
 - (c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.
- (3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.
- (4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

RCW 9A.36.011: Assault in the first degree.

- (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:
 - (a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or
 - (b) Administers, exposes, or transmits to or causes to be taken by another, poison, the human immunodeficiency virus as defined in chapter [70.24](#) RCW, or any other destructive or noxious substance; or
 - (c) Assaults another and inflicts great bodily harm.
- (2) Assault in the first degree is a class A felony.

RCW 13.40.310: Transitional treatment program for gang and drug-involved juvenile offenders.

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

- (a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;
- (b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and
- (c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

Finding—1991 c 326: "The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs. Gang and drug-involved youths are more likely to become addicted to drugs or alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths."

RCW 9.94A Sentencing Reform Act

RCW 9.94A.010

Purpose.

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve himself or herself;
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

Children & Youth in Crisis

Risk. Outcomes. Prevention.

Continuing legal education seminar

March 30, 2017

Using Data to Illustrate Risk

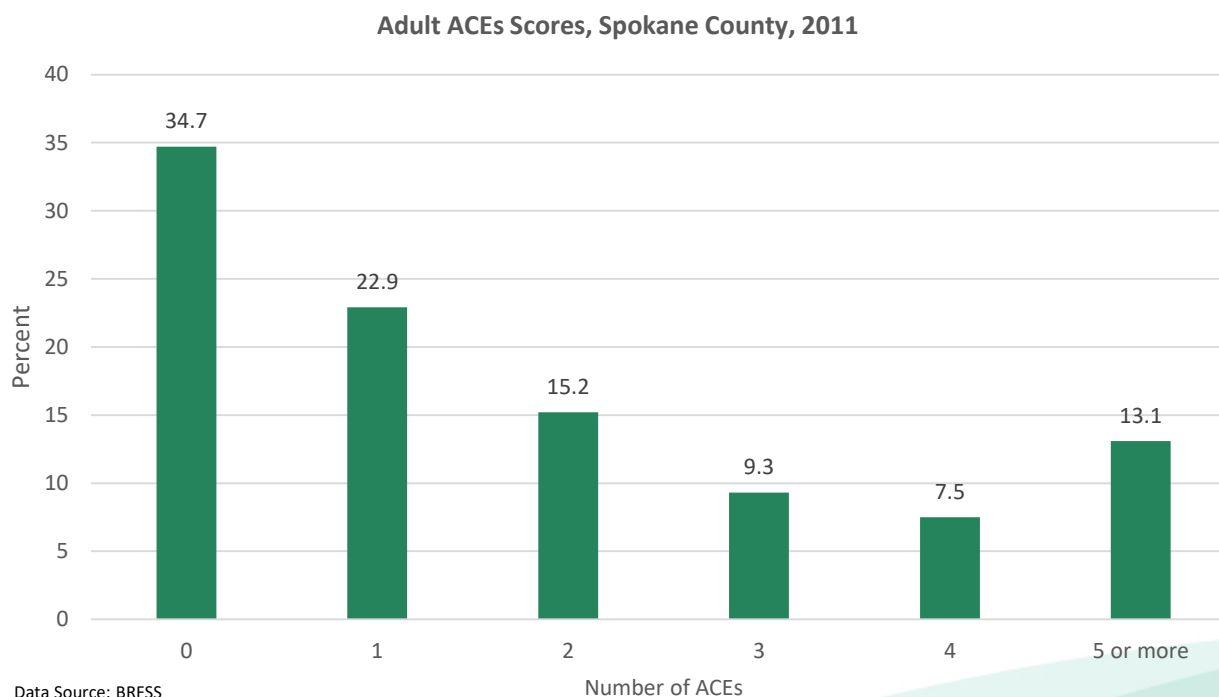
INTRODUCTION

Understanding the Data

Risk and Protective Factors

- Risk factors are broadly defined as any factor or circumstance that significantly increases the likelihood of engaging in risky behaviors or experiencing negative outcomes.
- Protective factors are any factors or circumstances that promote healthy behaviors, significantly decreasing the likelihood of engaging in risky behaviors or experiencing negative outcomes.
- Be careful about assuming causation

Prevalence of ACEs, Spokane County

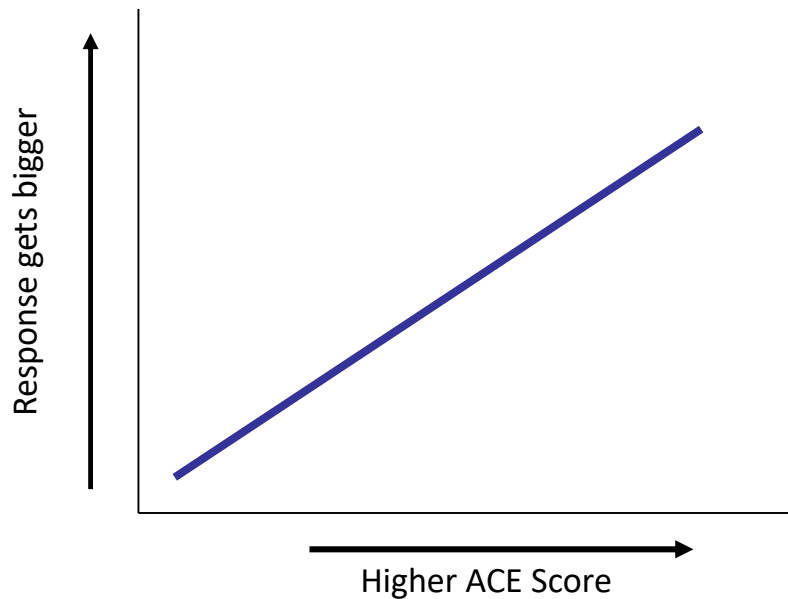


Data Source: BRFSS

Accumulation of Risk

Dose-Response Relationship

Higher ACE Score Reliably Predicts Prevalence of Health Problems

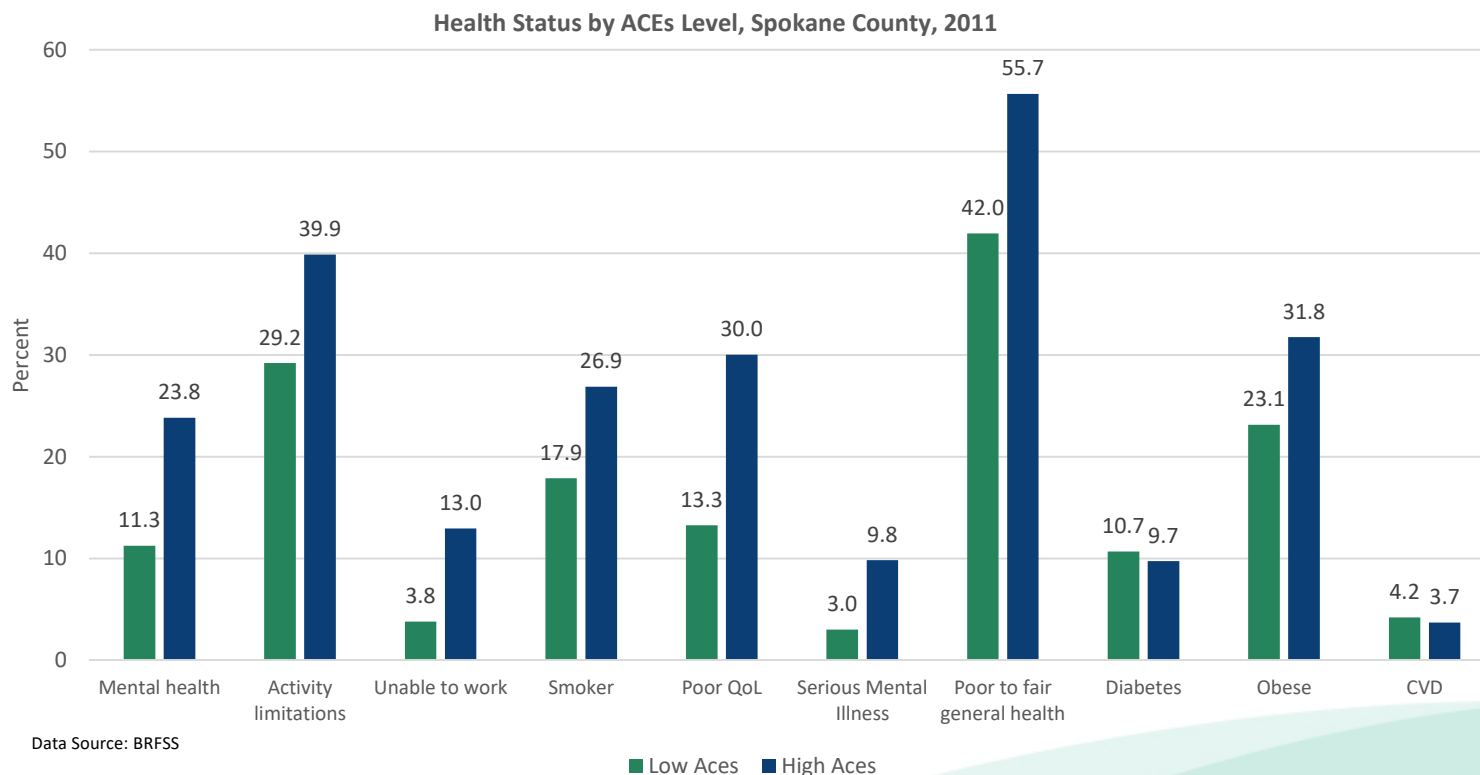


The size of the
“dose”—
the number of ACE
categories

Drives the
“response”—
the occurrence of
health, social,
workforce
problems & early
death

Slide from Laura Porter, DSHS ACE Partnerships

Consequences of Risk (ACEs)



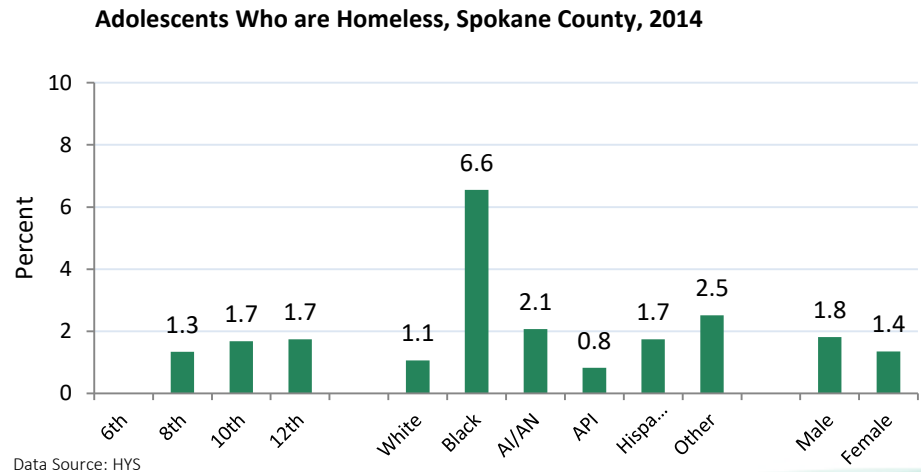
Data related to Education

SCENARIO 1: EDUCATION PANEL

Kids like Blayz

Risk Factors

- Disruptive behaviors in class
- ESL/language gaps
- Skipping school
- Transiency and homelessness
- Bullying
- Gang interest



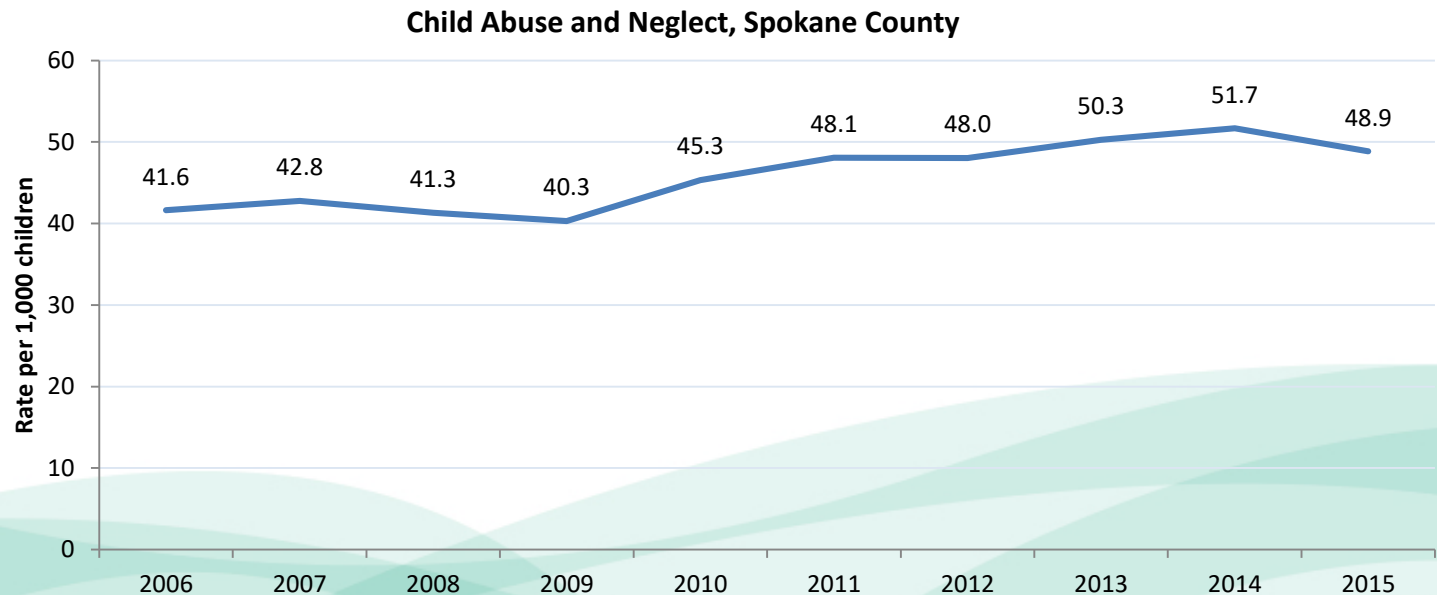
Data related to Child Welfare

SCENARIO 2: CHILD WELFARE (INFANT TO 12) PANEL

Risk Factors

- Addiction
- Domestic violence
- Child abuse
- Social inequity related to race/ethnicity
- Transiency/placement in foster system

Kids like
ABCDE



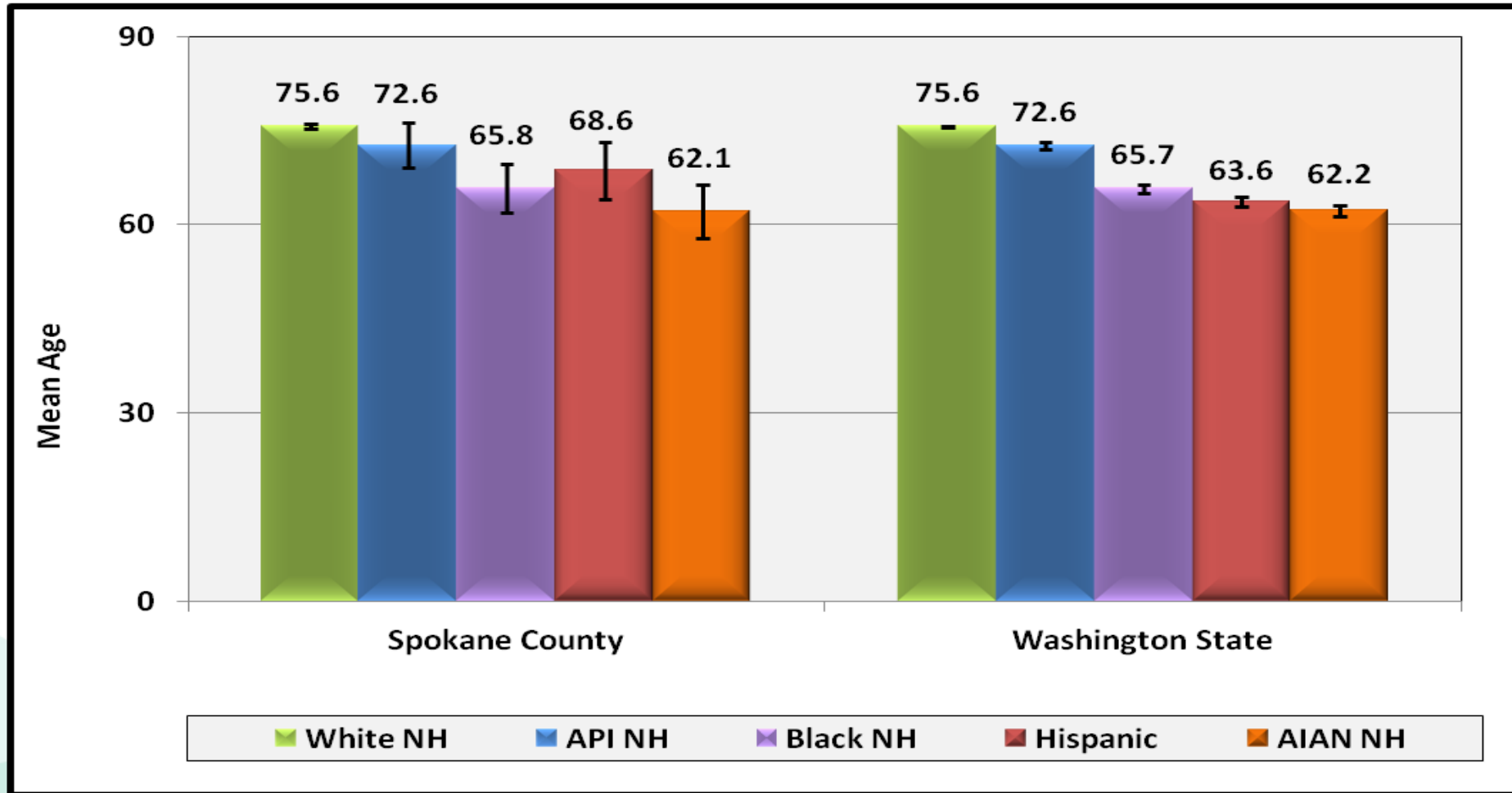
Source: DSHS

Data Center Program



Implications of Risk Factors Like ABCDE Has

Mean Age of Death by Race/Ethnicity Adults 25 Years of Age or Older, 2008 to 2009



Child Welfare Data

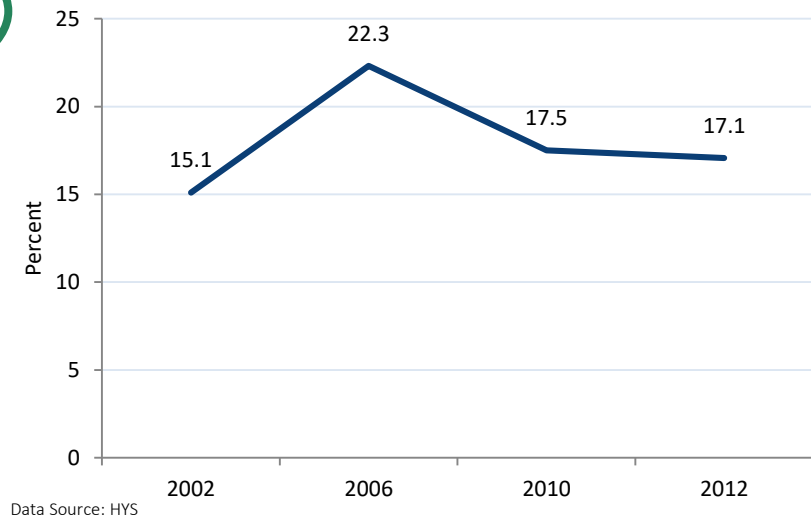
SCENARIO 3: CHILD WELFARE (12-17) PANEL

Kids like Jamie

Risk Factors

- Child abuse (physical and sexual)
- Poor mental health
- Addiction
- Suicide

Figure 26. Abused Adolescents, Spokane County



Kids like Jamie

Figure 15. Depressed Adolescents, Spokane County

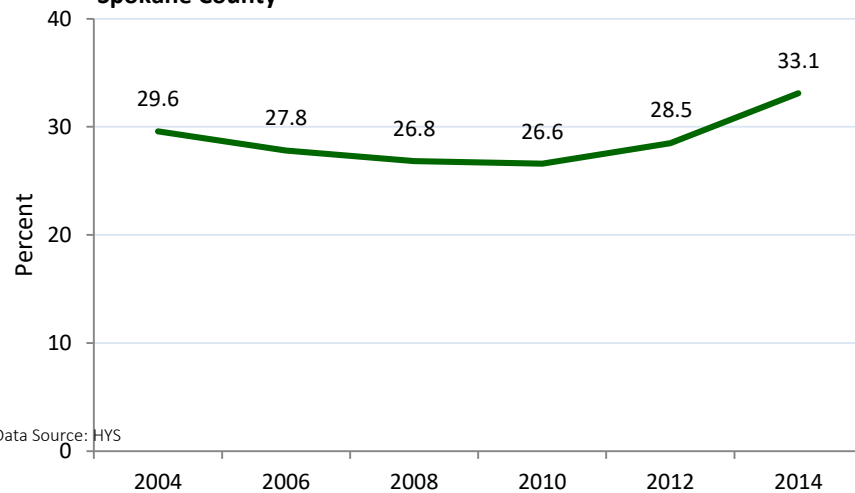
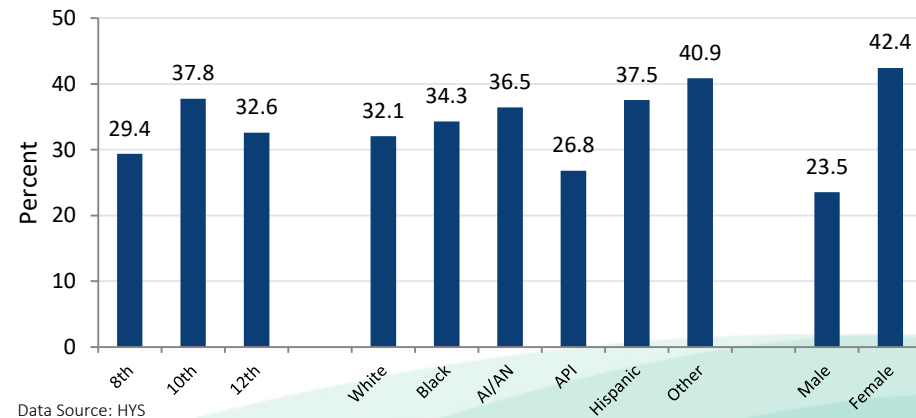


Figure 17. Depressed Adolescents, Spokane County, 2014



Implications of Risk Factors Like Jamie Has

Figure 20. Adolescents Considering Suicide, Spokane County

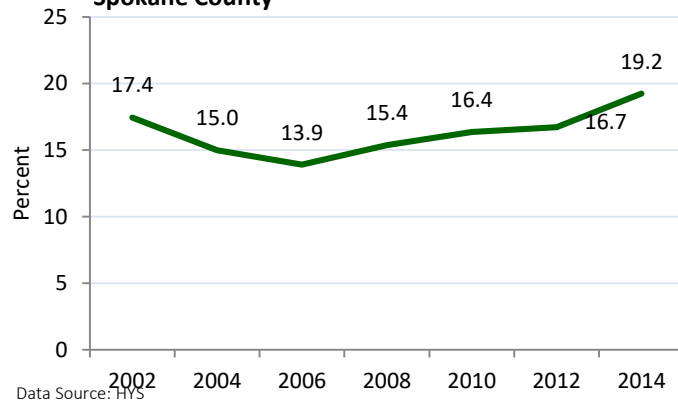
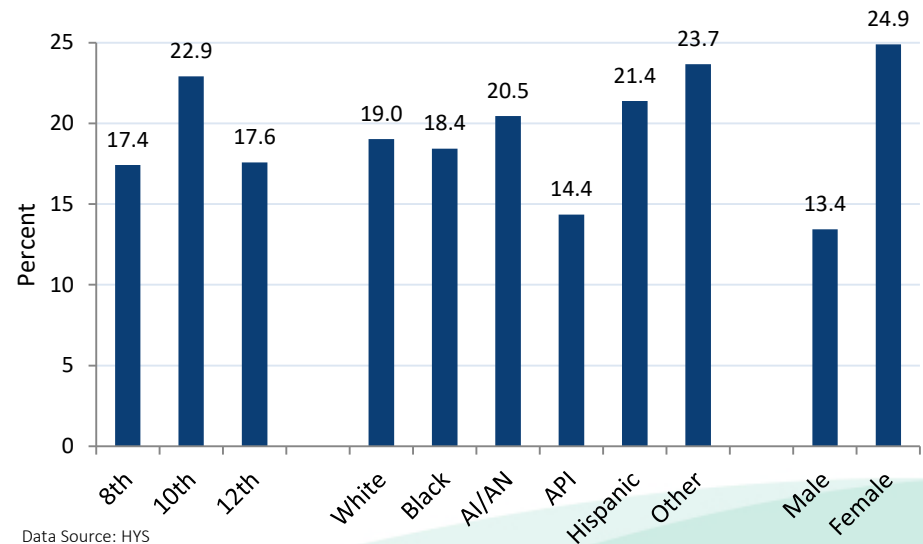


Figure 22. Adolescents Considering Suicide, Spokane County, 2014



Data related to Juvenile Justice

Conclusion

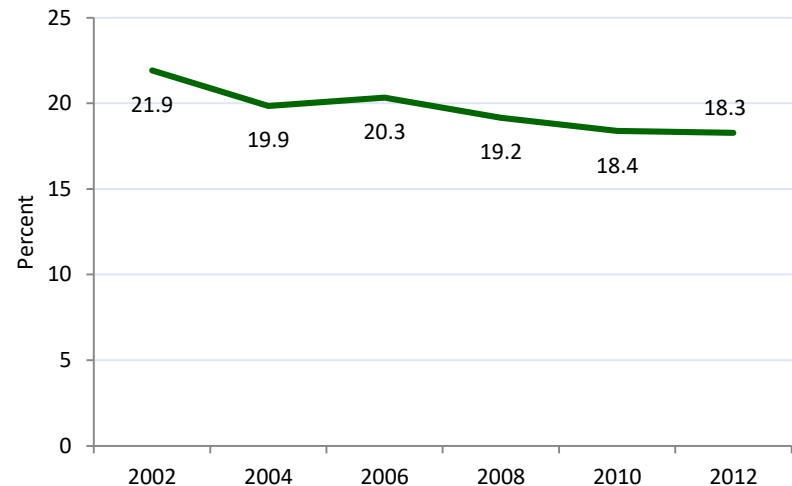
SCENARIO 4: JUVENILE JUSTICE PANEL

Kids like Trey

Risk Factors

- Gang affiliation
- Criminal activity
- Transiency/couch surfing
- Truancy
- Assault
- Felony offense/guns

Figure 80. Adolescents With Easy Access to a Gun, Spokane County



Data Source: HYS

Kids like Trey

Figure 12. Adolescents Ever Arrested, Spokane County, 2012

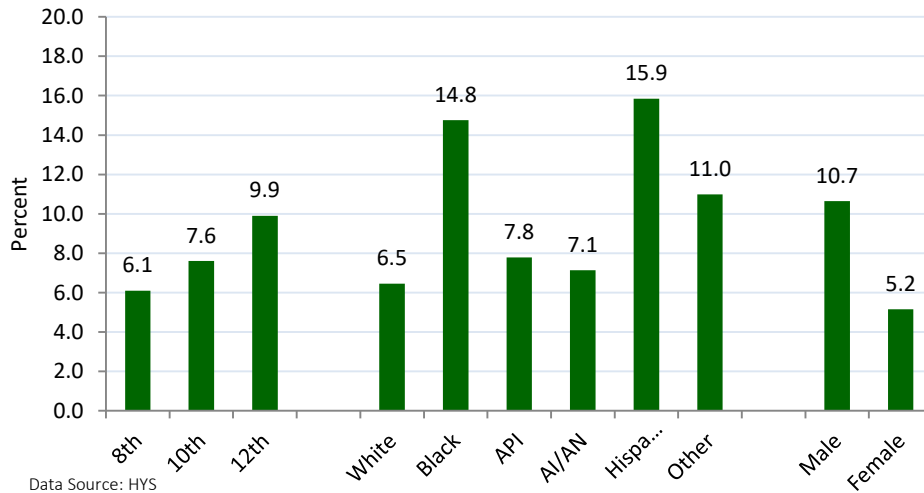
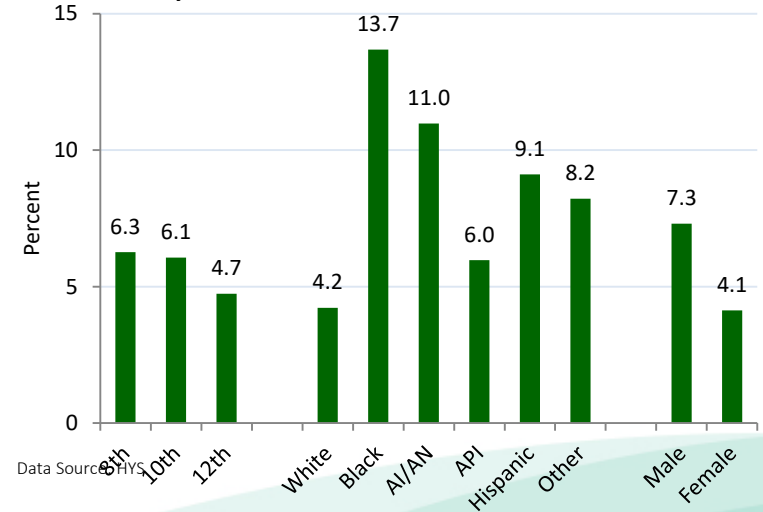
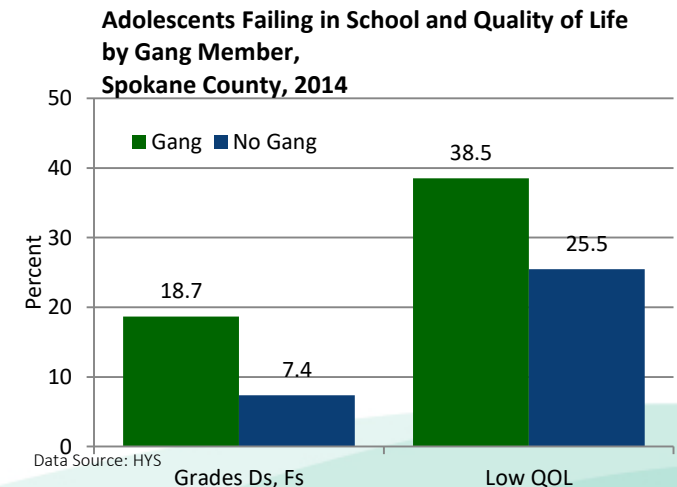
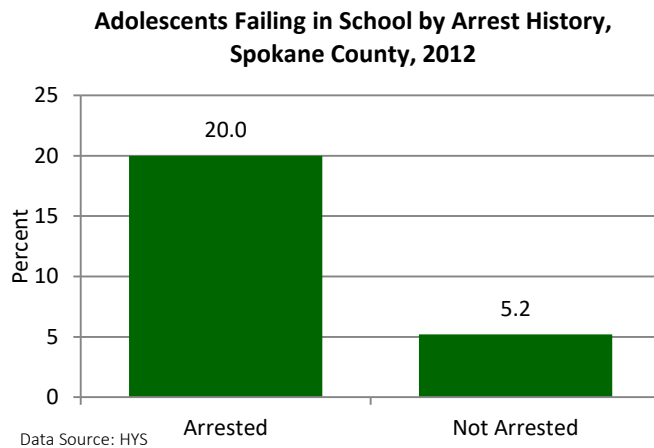


Figure 37. Adolescents a Member of a Gang, Spokane County, 2014



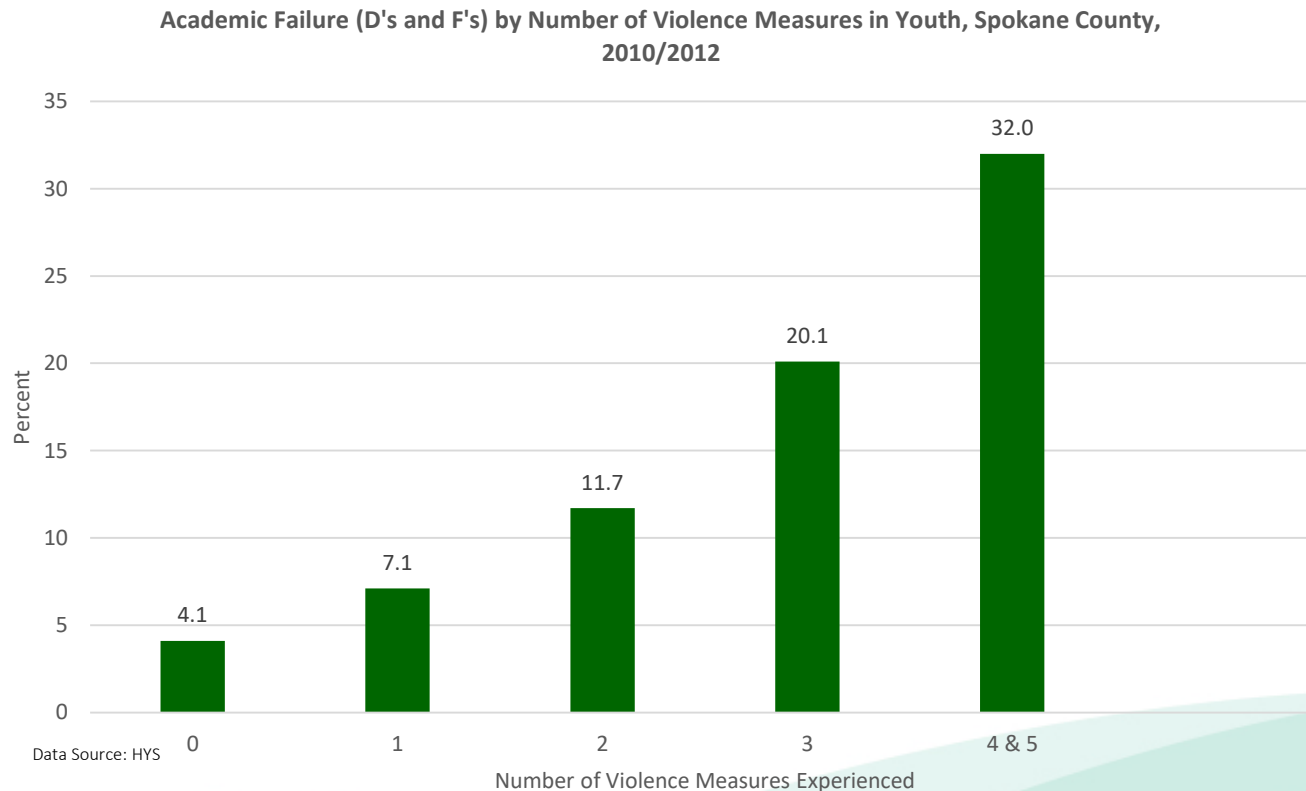
Implications of Risk Factors like Trey Has



Accumulation of Risk and Consequence

SUMMARY

Consequences of Violence-Related Risk

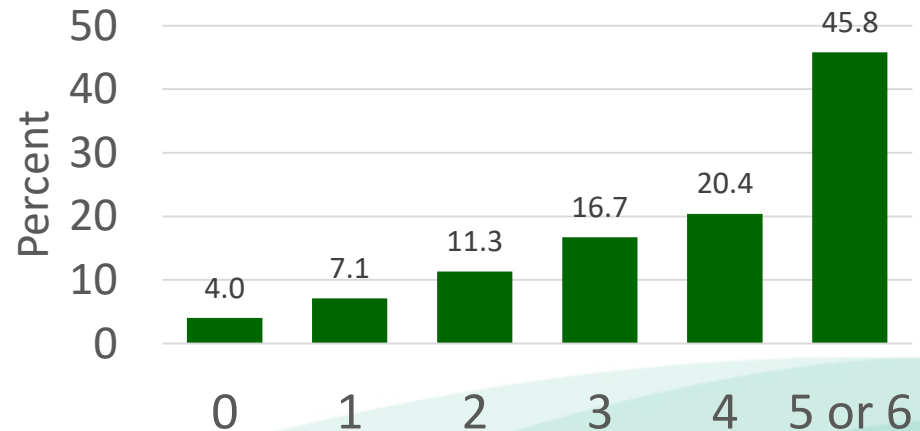


Impact of Violence

With increasing episodes of violence, the risk of youth failing in school increases.

2 in 3 youth who have experienced four or more episodes of violence are failing school.

Academic Failure (D's and F's) by Number of Violence Measures, Spokane County Youth, 2010 & 2012



The Public Health Conclusion

Treatment without prevention is simply unsustainable.

Bill Gates

About SRHD

Mission

As a leader and partner in public health, we protect, improve and promote the health and well-being of our communities.

Vision

Healthy Lives. Safe Environments. Thriving Communities.

Values

Integrity
Compassion
Respect
Equity
Collaboration
Innovation

