



Agency Recommendation Summary

The Department of Children, Youth, and Families (DCYF) requests \$1,893,000 General Fund-State in the 2022 Supplemental Budget to offset a decrease in payments received from the parents of youth in Juvenile Rehabilitation (JR) facilities. Parents of juvenile residents are required to pay a portion of their gross income to offset the cost of the juvenile’s support, treatment, and confinement in DCYF’s Juvenile Rehabilitation (JR) residential facilities, which these payments have not been at the level assumed in the DCYF/JR budget (local authority).

Program Recommendation Summary

020 - Juvenile Rehabilitation

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Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 001 - 1	\$946	\$947	\$1,893	\$947	\$947	\$1,894
Fund 001 - 7	(\$946)	(\$947)	(\$1,893)	(\$947)	(\$947)	(\$1,894)
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Revenue						
001 - 0541	(\$946)	(\$947)	(\$1,893)	(\$947)	(\$947)	(\$1,894)
Total Revenue	(\$946)	(\$947)	(\$1,893)	(\$947)	(\$947)	(\$1,894)

Decision Package Description

By funding this request, JR will have sufficient funds to provide adequate, essential services without impacting other programs.

Agency request legislation will be introduced to repeal RCW 13.40.220, Washington State’s “Parent Pay” statute. Parent pay currently is used to compensate current portion of youth’s expenditure in DCYF base budget. Therefore, without recovery of local parent pay, DCYF requests General Fund Transferable to continue overall support, treatment, and confinement needs of the DCYF youth while in care of DCYF.

RCW 13.40.220 requires parents of incarcerated juveniles to pay a percentage of their gross income to DCYF for the cost of their children’s support, treatment, and confinement in DCYF’s Juvenile Rehabilitation (JR) residential facilities. Ability to pay is based on a parent's income in accordance with the sliding fee schedule provided in WAC 110-720-0020. The Parent Pay Statute requires families to bear significant legal costs and has broad racial equity implications and tends to disproportionately impact poorer clients.

Two thirds of JR’s population include black, indigenous, people of color (BIPOC) youth resulting in a disproportionate number of BIPOC families impacted by this law. Repealing these laws will alleviate this legal financial obligation for parents.

A Notice of Finding of Financial Responsibility establishes the debt and forms the legal basis for collection and enforcement. The Office of Financial Recovery (OFR) under the Department of Social and Health Services (DSHS) collects amounts owed to JR, and is responsible for establishing, managing, and collecting the accounts receivable. DCYF currently receives less than 25% of the funds allotted in JR’s base budget under that statute, primarily because most parents either do not meet the threshold, which is based on the number of dependents in the home and the parents’ gross income as a percentage of Federal Poverty Guidelines or because the parents do not otherwise qualify.

The statute essentially operates as a Legal Financial Obligation (LFO) assessed on parents for their child’s incarceration and was recently

featured in a National Article in the Washington Post. Washington State was identified as one of 19 states that regularly charges parents for incarceration of their children. Justice Yu, Chair of the LFO Taskforce, has highlighted this during their review of the assessment and consequences of LFOs in this state. Washington Post, “**Your child’s been sent to jail. And then comes the bill,**” by Eli Hager, March 2, 2017 (“WP”).

In Fiscal Year 2019, the DSHS Financial Recovery Unit reported that 72% of JR parents earn less than 150% of the Federal poverty level, earning an average median income of \$31,000 (for a household of 3) when the median household income in WA State is \$74,000. This is compared to 10% of the general population in Washington State that is in poverty (census.gov)

Placing parents in debt may result in unstable home environments and deterring successful reentry. The Colorado Division of Youth Corrections does not bill parents, and stated that “any well-functioning juvenile-justice system depends on youths returning home to a stable environment. Thrusting parents into debt undercuts their ability to keep the lights on and the refrigerator stocked. Such households already are dealing with additional costs from the juvenile’s crime, parents point out, including additional rates for phone calls, gas for long-distance visits, and thousands of dollars in restitution and public-defender fees. As significantly, parents and advocates say, the goal of incarceration is not to address problems in the family the way a child-support order can do. They argue that detention facilities should exist for the larger societal purpose of public safety and getting young offenders back on the right track, for which all taxpayers ought to be responsible.” WP

By funding this request, JR will have sufficient funds to provide adequate, essential services without impacting other programs.

Agency request legislation will be introduced to repeal RCW 13.40.220, Washington State’s “Parent Pay” statute. It is critically important to repeal the statute that essentially operates as a LFO assessed on parents for their child’s incarceration.

DCYF Requests:

- Repeal **RCW 13.40.220** (Costs of support, treatment, and confinement—Order—Contempt of court);
- Amend **RCW 43.20B.095** (Establishment and recovery of debts for the department of children, youth, and families), to delete the cross-reference to **RCW 13.40.220**.
- Provide forgiveness of outstanding debts of parents and/or other persons legally obligated to care for and support the child under **RCW 13.40.220**.
- Terminate legal or administrative proceedings against parents and/or other persons legally obligated to care for and support the child under **RCW 13.40.220**.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

Not Applicable

Detailed Assumptions and Calculations:

This request is to true up the local authority spending authority for Parent Pay by a reducing the Local Authority -\$946,000 in State Fiscal Year 2022 and -\$947,000 each year thereafter. Offsetting the local authority reduction, DCYF requests \$946,000 of GF-S funding in SFY 2022 and \$947,000 ongoing yearly for the cost of the juvenile's support, treatment, and confinement in DCYF's Juvenile Rehabilitation (JR) residential facilities,

Workforce Assumptions:

FTEs are not included in this request.

How is your proposal impacting equity in the state?

The Parent Pay laws tend to disproportionately impact poorer clients. United States wealth is unequally distributed by race, particularly between white and black households (Hanks, February 21, 2018). Black families are still concentrated in neighborhoods with high poverty levels (Austin, July 22, 2013). Two thirds of JR's population include BIPOC youth resulting in a disproportionate number of BIPOC families impacted by this law. Repealing these laws will alleviate this legal financial obligation for parents.

Strategic and Performance Outcomes

Strategic Framework:

- Governor's Priorities: The bill would help make our criminal justice system more equitable. <https://www.jayinslee.com/top-priorities/justice-and-safety>
- DCYF's mission/vision: The bill would strengthen families by eliminating parents' financial obligation to pay for their child's incarceration.
- DCYF's Racial and Strategic Plan Priorities: The bill would help to eliminate racial disproportionalities and advance racial equity, as well as support a successful transition to adulthood for youth and young adults in our care.

Performance Outcomes:

Parents and Caregivers are supported to meet the needs of children and youth so families are economically secure.

Other Collateral Connections

Puget Sound Recovery:

Not Applicable

State Workforce Impacts:

Not Applicable

Intergovernmental:

OFR under the DSHS collects amounts owed to JR and is responsible for establishing, managing, and collecting the accounts receivable. If the RCW is repealed, dedicated full time equivalent staff for Parent Pay will no longer be needed.

Legal or Administrative Mandates:

Not Applicable

Stakeholder Response:

Support: Advocates who support racial equity, legal advocacy addressing LFO reform, community-based organizations, and social justice leaders.

Oppose: Stakeholders with a punitive approach to juvenile justice and youth incarceration.

Changes from Current Law:

- Amend RCW 43.20B.095 Establishment and recovery of debts for DCYF to delete the reference to RCW 13.40.220.
- Provide forgiveness of outstanding debts of parents and/or other persons legally obligated to care for and support the child under RCW 13.40.220.
- Terminate legal or administrative proceedings against parents and/or other persons legally obligated to care for and support the child under **RCW 13.40.220**
- Agency Request Legislation is provided as an attachment for this DP.

State Facilities Impacts:

Not Applicable

Reference Documents

Z-0304.1.pdf

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Agency Contact Information

Jay Treat
(360) 556-6313
jay.treat@dcyf.wa.gov