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Task Force 2.0: Race and the Criminal Justice System

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Task Force 2.0

# Recommendations to Address Race in Washington's Juvenile Legal System

2022 Recommendations to Criminal Justice Stakeholders in  
Washington

Submitted by the Juvenile Justice Subcommittee

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## Juvenile Justice Subcommittee Participating Organizations and Institutions

[American Civil Liberties Union of Washington](#)

[El Centro de la Raza](#)

[CHOOSE180](#)

[Community Passageways](#)

[Gonzaga University School of Law](#)

[Fred T. Korematsu Center for Law and Equality – Seattle University School of Law](#)

[King County Department of Public Defense](#)

[King County Prosecuting Attorney’s Office](#)

[Legal Counsel for Youth and Children](#)

[The Mockingbird Society](#)

[Office of Juvenile Justice, Washington State Department of Children, Youth & Families](#)

[Pacific Islander Community Association of Washington](#)

[Seattle University School of Law](#)

[TeamChild](#)

## I. Introduction and Note from the Juvenile Justice Subcommittee

We are pleased to present the *2022 Recommendations to Criminal Justice Stakeholders in Washington*, authored by the Juvenile Justice Subcommittee of the Research Working Group of Task Force 2.0. Three sets of recommendations were developed: juvenile legal system recommendations, education recommendations, and family regulation and homelessness recommendations. The first two sets were completed in time to integrate into the *2021 Report and Recommendations to Address Race in Washington's Juvenile Legal System*. The subcommittee continued to work on the final set concerning family regulation and youth homelessness into early 2022. This document compiles all three sets for ease of reference.

Significantly, while these recommendations contain specific policy proposals created by advocates and system stakeholders, they are designed to further the youth-articulated goals that set the trajectory for the subcommittee's recommendations work. They are an explicit attempt to center the experience and knowledge of impacted youth in determining the best way forward.

The juvenile legal recommendations are designed to (1) ameliorate the harms that institutions inflict on youth of color; (2) divest from systems of oppression; and (3) place our state on a trajectory to meet the stated goals of impacted young people. They suggest a significant shift in how our society thinks about accountability and culpability. In most instances, a young person who causes harm should not be the sole focus of our efforts to demand accountability; rather, it is the collective failure of our public systems to lift up and provide for young people of color that must shoulder the blame. It is our collective responsibility to contextualize personal culpability within systems that are plagued by structural racism, particularly when those systems profess to help youth of color but continue to disparately harm and/or underserve them. The recommendations therefore drive toward dismantling the juvenile legal system; in its place, the recommendations articulate an alternative approach that embraces restorative justice, and more fundamentally, focuses on providing young people the material conditions needed to thrive. The recommendations also drive toward reforming and improving other institutions that have a public duty to serve families and children in their communities.

We begin by presenting the core work of the subcommittee, which is intended to function as a stand-alone document, expressed in youth-friendly language, that sets forth: (1) the youth-articulated goals for systemic change to the juvenile legal system; (2) a narrative of how the system currently works and the harms caused; and (3) the change needed to bring about the youth-articulated goals for systemic change. This portion is intended to be a youth-centered blueprint for change—a tool for community advocates, a framework for policy makers, and a call-in to the many institutional actors to center the leadership of youth and community and collaborate on implementing these recommendations.

We then present these same recommendations regarding the juvenile legal system in formal policy language. The recommendations regarding education and family regulation and youth homelessness follow, also in more formal policy language.

Appendix A sets forth the recommendations process the Juvenile Justice Subcommittee agreed upon at the outset of the recommendations work. While the subcommittee acknowledges that the process was imperfectly executed, it nevertheless reflects the subcommittee's intent to place impacted young people at the center of the recommendations process. In crafting recommendations regarding the juvenile legal system, the education system, the family regulation system, and youth homelessness, the subcommittee sought to center the experience of impacted youth and align with their visions for change. As we consistently heard at the September 29, 2021, presentation to the Court, those who are closest to the problems are closest to the solutions. Accessing and implementing those solutions requires changing our institutional process and priorities to ensure that impacted people are authentically centered in this work.

## II. Recommendations

### **A. JUVENILE LEGAL SYSTEM – A YOUTH-CENTERED BLUEPRINT FOR CHANGE**

At the outset of the subcommittee's work to address race disproportionality in the juvenile legal system, the subcommittee agreed that the impacted youth on the subcommittee were those with the experience and the expertise to articulate the overarching goals and set the trajectory for the subcommittee's recommendations work. The young people articulated three bedrock principles that grounded the subcommittee's recommendations work and provided eight broad policy goals to further direct the subcommittee. Their vision is presented below, along with the specific policy proposals generated by the entire subcommittee that have been translated into straightforward language that is intended to be youth oriented. The same policy proposals are presented in more formal policy language in the next section, which also includes the minority reports on a handful of specific policy proposals.

This youth-articulated vision for change charts a course for how we could respond when a young person causes harm, and, more fundamentally, how to lift up young people so harm does not occur in the first place. The subcommittee asks that we all consider a new way to approach how we care for our young people, one that decenters the criminalization of youthful behavior and instead invests resources into community-led restorative justice approaches as our primary response to harm. Embracing change takes courage and so we invite the reader to wrestle with the Recommendations. Ask what they might mean for you and others; comment and offer critique. Regardless of whether you agree or disagree with the Recommendations, we ask that you join us in the dynamic work of offering youth a way out of our systems and on a path to success. Finally, because the recommendations work is a process that will continue beyond the publication of this

report, readers are referred to the [Task Force 2.0 homepage](#)<sup>1</sup> for more information about implementation efforts.

### **Youth Articulated Bedrock Principles**

These are the youth-generated bedrock goals for systems change, from which more specific policy work was inspired:

- **Ensure that everyone has the material conditions to thrive.**
- **Promote self-awareness and positive self-expression.**
- **Shift power from the criminal legal system to the community to respond after a young person has caused harm.**

### ***Youth Articulated Broad Policy Goals***

These are the broad policy proposals articulated by the young people on the subcommittee that are necessary to realize the bedrock goals:

- **Prevent youth involvement in the juvenile legal system** by meeting their material needs through robust mutual aid infrastructure led by community-based organizations.
- **Invest in a community-led response to an unfolding crisis**, including alternatives to 911 and police.
- **Eliminate youth interaction with law enforcement in schools, family regulation, and health care settings**, with the ultimate goal of abolishing police interactions with young people.
- **Invest in community responses to harm that promote healing and restoration for all parties** as the primary response rather than the legal system.
- Work to **eliminate youth prosecution** by increasing opportunities for community-based diversion and adjusting the jurisdiction of juvenile courts.

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1. <https://law.seattleu.edu/centers-and-institutes/korematsu-center/initiatives/task-force-20-x24772>. The recommendations on family regulation and homelessness will be posted here in the near term, but are not included in this report.



- Take measurable concrete steps to move towards **zero youth detention/incarceration**, including limited detention admission and developing alternatives for all youth.
- **Limit the impact of criminal history from juvenile court**; ensure that juvenile court records do not limit opportunity or increase incarceration.
- **Provide community healing** for people who have been incarcerated.

### *Specific Policy Proposals*

To center the experience of young people and galvanize policy makers, youth advocates, and systems players alike to aspire toward the youth-articulated goals and broad policy proposals, this part of the report describes, using a timeline concept, the basic problems associated with each phase of involvement in the juvenile legal system. Each description of harms and challenges associated with each phase is accompanied by a list of what the subcommittee believes should change. The harms described in each phase of system involvement are empirically supported by Parts II-V of the report. The list of desired changes to each phase of the system is spelled out in formal policy language in Part VI, Recommendations.

#### **1. Before Crimes Are Committed or Harm Occurs**

*What happens under the current system?* Young people and their families have a hard time getting access to basic services and supports. The state does not adequately invest in the needs of communities of color and does not involve BIPOC people in deciding how to spend resources that could help their communities.

#### *What needs to change?*

- Ensure that young people get housing, food, health care, education, addiction and mental health resources, and other supports (including recreational resources and transportation), before they end up in juvenile court.
- Make sure that all government agencies providing youth services work together to give youth what they need, and make sure people don't have to apply multiple times or meet different standards to get help.
- The state should budget for reparations to communities of color. The state should also budget for everyone to have a basic right to housing, health care, and wifi/broadband. That money should be provided to local community led organizations, and BIPOC people should decide how to spend the funds.

- The state should spend more money on mental health care providers and make sure that BIPOC youth have access to care.
- BIPOC people should be centered in how governments spend their money. The state should provide resources to teach governments how to involve communities in budgets.

## **2. When a Young Person is in Crisis or Harm is Occurring**

*What happens under the current system?* Police and 911 are the only government response available, and the government does not adequately support community alternatives. So, if there is harm, community members may feel they have no choice but to call police, even if they don't want to see the young person arrested or charged with a crime.

### *What needs to change?*

- Empower/educate people to call 211 to channel people towards health and human services resources instead of police, and 311 to report non-emergency activity that doesn't require immediate assistance.
- Build up a more detailed process and training for how 911 dispatchers identify the kind of services needed by a call to avoid calling police when police are not needed.
- Have trusted community organizations build safety teams that can respond to different types of crises, including de-escalation teams, mental health crisis response, and trauma response teams.
- Create (or increase funding if already existing) community-led response and interventions for restorative justice interventions, including when there is family violence.
- Fund youth mentors to interrupt violence and educate young people about nonviolent conflict resolution.

## **3. When Police Are Called**

*What happens under the current system?* Police often escalate situations, and move issues like school conflicts, skipping school, and running away from home into the criminal system. Government systems like schools, health care settings, and youth shelters rely on police rather than supporting youth.

### *What needs to change?*

- All state agencies and state funded groups that provide services to young people need to make sure to have policies to limit—and hopefully eliminate—when they call police on young people receiving services.

- Pass laws that entirely prevent police from being present in schools
- Eliminate laws that allow young people to be charged with crimes for disturbing school or insulting teachers.
- Require schools to use restorative justice when there is conflict at school, and limit schools from calling police unless there is a current risk of serious physical injury.
- Enforce laws that require schools to track how often they call police.
- Change laws that allow schools to bring young people to court for missing school. Develop community supports to help students who miss school.
- Increase funding for those working within the school to get resources and support to students (and families) who are at risk of dropping out of school
- Put together a BIPOC led working group to come up with best practices for community-based truancy boards and to hold schools accountable for increasing student attendance
- Change the law so that police and detention are not the primary response when situations involving youth in foster care or dependency proceedings require additional safety supports.

#### **4. After Harm Has Occurred But Before Youth Are Prosecuted For a Crime**

*What happens under the current system?* Some youth cases are diverted (or sent to services rather than having charges filed), but diversion is not as common as it should be, and lots of diversion programs are run by law enforcement or the courts instead of the community. Diversion programs don't focus enough on the needs of the young person who has committed the crime or the victim of the crime (restorative justice). The state invests a lot of money in courts and cops, but not enough in community programs to help youth.

#### *What needs to change?*

- Increase state funding to community design to a primary response to youth offenses (similar to restorative community pathways in King County) with prosecution the rare alternative; make community-based diversion the norm or preferred resource.
- Transfer money that is currently being spent on prosecuting youth to community-based programs that can provide alternatives to prosecution.
- Make state funds that are currently used for youth incarceration open to being spent on alternatives to prosecution.
- Create funds designed to compensate victims of crime who are engaged in restorative justice.

- Change the law to allow for law enforcement and prosecutors to increase diversion, and develop responses that address the needs of young people who are in mental health crisis or in the family regulation system.
- Make diversion mandatory, unless a judge decides it is absolutely necessary to file charges to prevent serious harm to public safety
- Change the laws so that cases can be diverted or removed from the criminal legal system for young people up to age 25.

## **5. If Youth Are Prosecuted/Charged With a Crime**

*What happens under the current system?* Very young people can be prosecuted for crimes (as young as 9 in some cases) and some young people are prosecuted as adults (which exposes them to longer sentences, adult prison, and a life-long criminal record). The courts don't focus on the needs of young people who are charged with crimes and don't involve the community in supporting young people.

### *What needs to change?*

- When youth are prosecuted, make sure that the system provides the resources to address their non-legal needs (like housing, employment, health care, family support).
- When youth are prosecuted, make sure they have a community ambassador who is part of their defense team, to help young people engage with community resources.
- No youth under the age of 14 can be charged with a crime and brought into the legal system.
- Instead of moving young people to adult court when they turn 18, raise the age of juvenile court up to 21 years old.
- Explore options for different ways to treat young adults (21-25) who are charged with crimes and account for ways that these young people are still developing and maturing.
- Change the law so that no young person charged with an offense committed before their 18th birthday can be prosecuted in adult court, which usually means they will face a much longer sentence in adult prison.
- Until that change in law comes about, youth who end up being prosecuted in adult court should be assigned to judges and prosecutors who are assigned to juvenile cases. Make sure that young people aren't jailed with adults if the alleged offense occurred while they were under age 18.

## **6. If Youth Are Facing Incarceration**

***What happens under the current system?*** For certain crimes, or for some youth who have previous convictions, the “standard” sentence is to juvenile prison. Juvenile prisons are located far away from youth’s communities, they are expensive, and long sentences in juvenile prison don’t help youth.

***What needs to change?***

- Adopt policies to limit juvenile detention to serious violent offenses; require counties to release all other youth. Develop alternatives to detention for youth convicted of serious violent offenses as we work towards zero youth detention.
- Make sure that all services provided to youth in jail (such as drug and mental health treatment) are available in the community.
- Review the sentencing “grid” that determines when a young person is jailed and for how long, to identify racial inequities and unequal outcomes by race.
- Change the juvenile sentencing grid to prevent juvenile prison from being a “standard” sentence for any juvenile. Instead, limit juvenile prison to cases where the judge makes a specific finding that prison is necessary to prevent a significant risk to public safety.
- Expand the use of community alternatives to juvenile prison so that young people can stay in their communities and receive services; set specific goals for reducing juvenile prison admissions through community-based responses.
- Abolish the use of house arrest (electronic home monitoring) for youth. Until that is done, provide judges with specific guidance to prevent the over-use of house arrest and limit its harm to youth, their families, and our community

**7. After Youth Are Released from Jail or Serve Their Sentence**

***What happens under the current system?*** Youth are released without enough supports to make sure they are successful back in the community. Youth records are public, meaning that juvenile history can continue to hurt youth long after they are released. Some youth can try to seal their records after the fact, but the process is difficult for many youth. Juvenile court convictions also can automatically increase adult sentences, resulting in longer periods in prison as an adult.

***What needs to change?***

- Change the law so that crimes committed as a youth do not count as criminal history that automatically increases a person’s sentence if they commit crimes as an adult. Make sure this change applies going forward and applies to people already sentenced (so they can be released from prison if criminal history from juvenile court resulted in them serving more time).

- Make juvenile court and law enforcement records confidential, so that members of the general public, employers, landlords, and schools cannot see juvenile criminal history.
- Prevent the courts from selling juvenile court records to private parties.
- Until juvenile records are made fully confidential, change the law to require courts to seal (remove from public view) juvenile records when a juvenile is no longer in jail or on probation. Apply this change to records going forward and to older records.
- Change the law to expunge (destroy) juvenile records when a juvenile has turned 18 and is no longer in jail or on probation. Apply this change going forward and to older records.
- Make sure that folks who are finished serving their prison or sentences can reenter the community and have their basic needs met, including food, shelter, income/job pathways, education, and healthcare/mental health.

## **8. System Accountability**

*What is needed to make sure we continue to track and understand the harms of the juvenile legal system, especially on young people of color?*

- Improve data collection standards for tracking school calls to police, especially to make sure that NHPI students are not put under the broader umbrella of API.
- Make sure data collected by county prosecutors and state courts about youth prosecuted in adult court also includes a category for NHPI separate from API.
- County prosecutors and courts should track and publish data 4 times a year that shows arrests, diversions (and whether diversion was completed), charges, and how juvenile cases are resolved. That data should be broken down by county, age, race, gender, and other demographics (see Zero Youth Detention Data Dashboard).
- Develop data tracking policies to ensure effective tracking of the impact of the criminal legal system on NHPI, Latinx, and multiracial youth. Work with community leaders to develop the policies.

These proposals are set forth in formal policy language immediately below.

### **B. JUVENILE LEGAL SYSTEM RECOMMENDATIONS – FORMAL POLICY LANGUAGE**

Racial disproportionality in the juvenile legal system has remained or increased since this Task Force last made recommendations in 2012. Continued disproportionality is a predictable outcome when the juvenile legal system was never constructed to serve or support BIPOC youth, when the

systems that surround young people and their families continue to fail to effectively serve BIPOC youth, and when criminalization continues to be a default response to BIPOC youth behaviors. The following recommendations attempt to fundamentally shift that paradigm, focusing on non-criminal legal system responses to support youth and their families, and identifying opportunities for the criminal legal system to shift power and responsibility for redressing harm to communities.

The large, bold text in the text box reflects and emphasizes the youth-articulated bedrock principles from which the more specific youth-articulated goals flow, indicated in regular bold text. Below that, the normal text contains the specific policy proposals that will help achieve the youth articulated goal. Where possible, policy proposals are directed to particular audiences, reflected in *italics*. Consensus was not achieved on everything, and minority reports generated by subcommittee members are included where they exist.

### **Youth-Articulated Bedrock Principles:**

- **Ensure that everyone has the material conditions to thrive;**
- **Promote self-awareness and positive self-expression.**

**Prevent youth involvement in the juvenile legal system by meeting their material needs through robust mutual aid infrastructure led by community-based organizations.**

- Barriers to state services
  - Build adolescent services response that is accessible across the state without any requirement for court involvement; design services to actively intervene and prevent juvenile and adult criminal court involvement. *State Legislature; local governments; community-based organizations.*
  - Streamline or eliminate eligibility and service barriers within DCYF and between public agencies to ensure that youth can readily access services like FRS, DDA support or BRS placements without having to jump through multiple/differing access or eligibility processes. *State agencies, including DCYFS, DSHS, HCA; State Legislature.*
- Revenue to meet basic community needs; participatory budgeting
  - Create a dedicated revenue stream for investment in housing access and community land trusts, universal access to health care and universal broadband. When such a funding source is established, prioritize return of funding to community-based organizations that are able to provide resources and mutual aid to local

communities. *State Legislature; local governments; community-based organizations.*

- Create a dedicated revenue stream to provide reparations to individuals and communities impacted by slavery or the occupation and destruction of indigenous land and property. *State Legislature.*
- In each community, create a participatory budgetary process that is led by BIPOC people and allocates resources to BIPOC communities to build community-level resources to support youth and families. *County governments.*
- Create a state workgroup to create and provide resources for local governments on participatory budgeting and anti-racist budgeting. *State Legislature.*
- Invest in hiring, training, and promoting community access to more health care providers, including mental health providers and inpatient substance abuse treatment providers/beds. *State Legislature; local governments.*
- Increase opportunities for accessible/affordable/subsidized extracurricular activities led by community-based organizations that can increase youth connection to school and provide opportunities for skill development and healing. *Local school districts; community-based organizations; county governments; State Legislature.*

**Provide community healing for people who have been incarcerated.**

- Fund and develop effective reentry and transition services that are community-based and culturally meaningful. *State Legislature; county governments.*
- Meet basic needs for food, shelter, income/job pathways, and education for people being released from incarceration; include mental health and wellness support to address trauma in formerly incarcerated populations. *State Legislature; county governments; state agencies, including Department of Health.*

**Youth-Articulated Bedrock Principles:**

- **Shift power from the criminal legal system to the community to respond after a young person has caused harm.**

**Invest in community-led responses to unfolding crisis, including alternatives to 911.**

- 911/Crisis Response
  - Increase education to the general public about using 211 and 311 (non-emergency law enforcement response) as alternative places for referrals and services instead of 911. *Local governments; law enforcement.*



- Revise local protocols for 911 dispatch/communications operators to identify the categories of calls for which non-police response is appropriate; incorporate revisions into training for 911 dispatch and communications operators. *Local government; community-based organizations; Washington State Criminal Justice Training Academy.*
- Community Safety and Intervention Resources
  - Build community safety teams and community hubs within neighborhoods, including de-escalation teams, mental health crisis response, and trauma response teams that are available to respond to crisis without police intervention. Ensure that response teams are embedded in community-led organizations that are trusted in the community. *Local government; state agencies; community-based organizations.*
  - Create community-led response and interventions to domestic violence perpetrated by a young person against a family member. *Local government; community-based organizations.*
  - Invest in peer and community mentorship to identify and interrupt violence and teach productive, non-violent ways to address and resolve conflict. *Local government; State Legislature; community-based organizations; local school districts.*

**Eliminate youth interaction with law enforcement in schools, family regulation, and health care settings, with the ultimate goal of abolishing police interactions with young people.**

- Law Enforcement Response to Youth Serving Agencies
  - State agencies and recipients of state funding who provide services to young people should review and revise policies to significantly limit instances where police are called to engage with people receiving services or their families; this includes review by DCYF, medical facilities, mental health facilities, shelters, Office of Homeless Youth, and/or Dep't of Commerce. *State agencies, including DCYF; DOH; OHY; Dep't of Commerce; state-funded organizations; community-based organizations*
- Policing in Schools

- Pass legislation that prohibits schools from contracting with law enforcement and private security forces for police or private security presence in schools. *State Legislature.*
  - Eliminate the crimes of disturbing schools, RCW 28A.635.030, abusing or insulting teachers, RCW 28A.010, and willfully disclosing examination questions, RCW 28A.635.040. Amend the crime of willfully disobeying school administrative personnel to prohibit application of the statute to a student enrolled in the school. *State Legislature.*
  - Pass legislation requiring schools to use restorative justice or other school-based alternatives prior to calling police for any incident that does not involve imminent risk of serious physical injury to others. *State Legislature.*
  - Office of Superintendent of Public Instruction (OSPI) should review and evaluate school district policies, resources, and training to reduce or eliminate the use of police to provide interventions for in-school behaviors, and provide a report on the implementation of RCW 28A.320.124. *OSPI; local school districts.*
- Truancy and Dependency
    - Amend Chapter 28A.225 RCW to eliminate the filing of truancy petitions in court and to decouple community-led truancy boards from the court petition process. Ensure continued state-level data collection and public reporting on absenteeism, referrals to community-truancy boards, and school-based interventions to address truancy (including disaggregation by race and other demographic factors). *State Legislature.*
    - Increase funding for attendance/student support liaisons in each school district tasked with engaging students and families at risk of becoming truant and identifying school-based changes and community-supports to increase attendance. *State Legislature, local school districts.*
    - Convene a working group to recommend best practices for community-based truancy boards and best practices to promote accountability among schools and school personnel for increasing student attendance. The working group should include representatives of BIPOC communities historically pushed out of schools, homeless and foster youth, and parents. *OSPI.*
    - Reduce and eventually eliminate reliance on police and detention when youth in foster care or dependency proceedings require additional safety supports. (While SB 5290 prevents use of detention for violating a valid court order in noncriminal matters, law enforcement is still heavily involved in dependency and foster care settings, whether through issuance of warrants, calls from group homes to police to respond when youth's behavior is challenging, etc.; youth in foster care are also

more at risk for detention on offender matters if they don't have a stable foster placement.) *State Legislature; DCYF.*

**Invest in community responses to harm that promote healing and restoration for all parties, as an alternative to the justice system.**

- Restorative Pathways and Community Diversion
  - Increase state funding for community design and response to youth offenses (similar to restorative community pathways in King County) to provide alternatives to prosecution/conviction in the juvenile system. *State Legislature.*
  - Transfer funds currently allocated to court diversion to fund community-based pre-filing diversion. Divest funds from juvenile legal system and invest in community responses to harm/pre-filing diversion. *Superior Courts; local governments.*
  - Make state and county funds for restorative and pre-filing diversion programs available to young people up to age 25, including those involved in the adult criminal legal system. *Local governments; State Legislature.*
  
- Victim Restoration
  - Establish a victims restoration fund that can be accessed by victims of harm engaged with community-based intervention teams, to provide opportunity for redress of harm without resort to the criminal legal system. *State Legislature; local governments.*
  
- Holistic Defense
  - Provide an adequately resourced holistic defense/advocacy team in each county to support youth and family throughout contact with the juvenile justice system and to help youth and family advocate for resources to meet the needs of the youth. *Local governments; public defense agencies; State Legislature.*
  - Within each holistic defense/advocacy team, include community ambassador positions that are funded by government resources. *Local governments; public defense agencies.*
  - Amend RCW 5.60.060 to extend the legal privilege provided to social workers and defense attorneys to community ambassadors participating in defense/holistic advocacy. *State Legislature.*

**Work to eliminate youth prosecution by increasing opportunities for pre-filing diversion and reducing the jurisdiction of juvenile courts.**

- Diversion based on mental health needs

- Expand HB 1524/ RCW 13.40.042 to permit law enforcement diversion of juveniles who are facing arrest for a felony offense and who have mental health crisis. *State Legislature.*
  - Create state funding for more community-driven and law enforcement diversion programs to reduce harms to children who are arrested. *State Legislature.*
  - Prosecutors should recognize that offenses occurring within a mental health or family regulation setting largely stem from a child’s underlying mental condition, past history of trauma/neglect, or challenges within the state facilities themselves. In these circumstances, prosecutors should adopt policies of not filing charges or diverting for all cases not involving a sex offense or serious violent offense arising in mental health or family regulation settings. *County prosecutors.*
- Increasing Diversion Options and Referrals
    - Work with community organizations to develop diversion models outside of the court or court accountability board. *County prosecutors; public defense agencies; Superior Courts, community-based organizations.*
    - Create disposition alternatives that partner with schools to ensure education and special education supports to help youth stabilize in schools. *County prosecutors; Superior Courts; local school districts.*
    - Prosecutors should adopt policies to refer all cases eligible for diversion under statute, rather than exercising prosecutorial discretion to limit statutorily eligible diversions. The policies shall state that diversion is presumed the appropriate response unless the prosecutor has clear and convincing evidence that filing charges is necessary to protect public safety. Where available, the preference should be to refer to community-based pre-filing diversion over court diversion. *County prosecutors; Superior Courts.*
    - As filings decrease due to diversion, make internal divestments from prosecutors/courts/defense to fund community responses to harm and pre-filing diversion. *Local governments; State Legislature.*
  - Juvenile Court Jurisdiction/ Decline to Adult Court
    - Increase the minimum age of juvenile court jurisdiction to at least 14.<sup>2</sup> *State Legislature.*
    - Increase the maximum age of juvenile court jurisdiction to at least 20. *State Legislature.*

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2. This is consistent with the 2021 A.B.A. Resolution recommending that all jurisdictions raise the minimum age of juvenile court jurisdiction to 14, as the “[t]he failure to set a meaningful standard of juvenile court jurisdiction results in the criminalization of childhood. A.B.A. Resolution, (August 2021), <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2021/505-annual-2021.pdf>.

- Direct the Washington State Institution for Public Policy to research and report on developmentally appropriate responses to adolescent crime occurring in the ages of 21-25; convene a working group to develop recommendations for changes to the criminal legal system for this population. *State Legislature.*
  - Adopt legislation keeping all youth under 18 in juvenile court. Repeal Washington’s law’s permitting automatic or discretionary decline of juvenile cases to adult court. *State Legislature.*
  - Until the state legislature abolishes decline, decline cases should be presided over by judges who are assigned to hear juvenile cases and should be prosecuted by prosecutors who are experienced or have been trained in juvenile court. *Superior Courts; county prosecutors.*
  - Ensure that young people incarcerated pretrial who turn 18 while awaiting disposition are not incarcerated in adult facilities, including young people who are awaiting disposition on charges in superior court pursuant to automatic or discretionary decline. *Superior Courts; county prosecutors; State Legislature.*
- **Minority Report from King County Prosecuting Attorney’s Office Re: Juvenile Court Jurisdiction/ Decline to Adult Court**
    - Children are indeed different than adults and should be treated differently by the criminal legal system when they cause harm. Juvenile Court should be the appropriate venue for holding children accountable, but any effort to eliminate the prosecution of children in adult court must also be accompanied by a concurrent effort to ensure that juvenile court jurisdiction is sufficient to meet the needs of rehabilitation, accountability, and to ensure community safety. Those working in the juvenile justice system need to be equipped with the ability to serve young people beyond age 21. It is well understood that brain development occurs until at least age 25. Accordingly, a juvenile court system that aims to serve the needs of juveniles who commit serious offenses must be legally mandated to provide services and supervision beyond 21 when appropriate and necessary.

**Take measurable concrete steps to move towards zero youth detention/incarceration**

- **Detention Screening and Release**
  - Local governments should review and extend policies for detention screening and release adopted during COVID-19 to maintain low detention admission rates after the pandemic abates. Adopt statewide practices for detention admissions and release to maintain low detention populations. *Local governments; Superior Courts; county prosecutors.*

- The state legislature should adopt statewide detention intake and release criteria that limit detention to violent or sex offenses and require judges to use screen and release protocols. *State Legislature.*
- Decouple provision of services from detention of youth; ensure that all services available to youth in detention and probation are accessible in the community. *Superior Courts; local governments.*
- Sentencing Grid
  - Review sentencing guidelines and ranges with a racial equity lens; identify changes to the juvenile sentencing grid to eliminate the cumulative impact of policing and detention for youth of color. *Sentencing Guidelines Commission; county prosecutors; DCYF; Superior Courts.*
  - Revise the juvenile sentencing grid to eliminate incarceration in a Juvenile Rehabilitation facility as the “standard” disposition for juvenile offenses; instead, require sentencing judges to make specific individualized findings, based on clear and convincing evidence that (a) the juvenile poses a substantial, serious risk to public safety unless they are incarcerated at a juvenile prison; (b) youth incarceration will mitigate the threat; (c) the specific period of time is justified after reviewing research showing that longer stays in juvenile rehabilitation facilities do not reduce recidivism; and (d) the court has accounted for the impact of race and implicit bias in punishment of youth of color. Each finding shall include an explanation of the evidence relied upon to make the finding. *State Legislature.*
- Disposition and Detention Alternatives
  - Unlock state funds that are under Juvenile Rehabilitation block grants to fund community diversion; review and modify current block grant funding from Juvenile Rehabilitation so that decisions and allocations reflect and implement community priorities. *DCYF; State Legislature; community-based organizations.*
  - Increase and expand the use of disposition alternatives/alternatives to incarceration. Ensure that alternatives to incarceration are the norm and incarceration in a local or Juvenile Rehabilitation facility is the exception. *Superior Courts; State Legislature; DCYF.*
  - Develop community-based alternatives to state incarceration that enable young people who are incarcerated to maintain relationships with community and receive services in their community, using the minimum amount of incapacitation necessary to protect public safety. *DCYF; local governments; State Legislature*
  - Local governments should research and identify alternatives to Electronic Home Monitoring (EHM) and secure detention; use resources saved from detention and EHM to provide effective services in the community. *Superior Courts; local governments.*

- Set specific goals and targets for reducing dispositions to Juvenile Rehabilitation through diversion and disposition alternative strategies. *County prosecutors; public defense agencies; Superior Courts; local governments; DCYF.*
- Electronic Home Monitoring
  - Until detention and electronic home monitoring are abolished, courts should adopt guidance that (1) clarifies EHM is a form of detention; (2) prioritizes community placement without detention including EHM through community supports and less restrictive supervision; (3) If EHM is employed, clearly explain the need for EHM, define its goals, lay out incentives to eliminate EHM, create as needed and ensure supports are in place to engage youth on EHM, provide resources to family and support systems; allow for expanded zones and outdoor time through liberal and safe uses of passes; (4) articulate that EHM is only a short term option with regular check-ins to assess continued need; (5) provide streamlined, efficient and understandable process for passes; (6) increase training and understanding of technical malfunctions to avoid issues from malfunctioning equipment; (7) prevent automatic issuance of warrants for removal of monitoring bracelet and instead hold a hearing on the record to determine next steps. *Superior Courts; local governments.*

**Limit the impact of juvenile criminal history; ensure that juvenile records do not undermine economic opportunity or community integration, or result in longer terms of adult incarceration.**

- Juvenile history as sentencing points
  - Eliminate the use of juvenile criminal history as points for adult sentencing and ensure that the change is retroactive. *State Legislature.*
  - Eliminate the use of adult history resulting from auto or discretionary decline as points for adult sentencing, and ensure that change is retroactive. *State Legislatures.*
- Minority Report from King County Prosecuting Attorney’s Office Re: use of adult history from auto or discretionary decline
  - Today, only juveniles who commit the most serious offenses are eligible for transfer to adult court. These offenses are Murder in the First/Second Degree, Homicide By Abuse, Manslaughter in the First Degree, Assault in the First Degree, Kidnapping in the First Degree, Rape in the First Degree, Assault in the First Degree, and any attempt to commit such crimes (see RCW 13.40.110). In rare circumstances, juveniles with exceptional prior conviction history involving serious felonies who then commit violent offenses could also be tried in adult court (see RCW 13.04.030). As such, individuals implicated by this recommendation

would only be individuals convicted and sentenced for the most serious offenses and circumstances that concern community safety. While these individuals should be able to continue with their lives free from concern that harm they caused as juveniles could still present legal jeopardy in the future, this principle needs to be balanced with an interest in protecting the community from repeat violent offenders. Prosecutors would propose that this recommendation not apply to points related to declined offenses where a person is subsequently convicted of a violent offense as defined by RCW 9.94A.030(58).

- Juvenile Records Access:

- Make juvenile court and law enforcement records confidential to the general public; eliminate publicly accessible websites with juvenile records. Enable researchers to access de-identified data and groups of juvenile court and law enforcement records from which juvenile names and other data that could reasonably be expected to identify the juvenile have been redacted. *Administrative Office of the Courts; Supreme Court; State Legislature; law enforcement agencies.*
- Amend GR 31 to extend and make permanent a prohibition on the courts selling bulk disseminations of juvenile records via contract. Prohibit entities accessing Washington court records or databases from retaining juvenile criminal history records in their own databases used to provide background checks for employment, housing, education, licensing, or access to credit. *Administrative Office of the Courts; Supreme Court.*
- Adopt a court rule to ensure that all case captions refer to the juvenile by initials, rather than names; ensure that appellate cases publicly available refer to the juvenile by initials, rather than names, in the body of the opinion and in publicly available briefing. *Supreme Court; Courts of Appeal; Superior Courts.*
- Create an Office of Youth Ombuds with access to confidential juvenile court records, and task the ombuds with providing oversight of juvenile legal systems. *State Legislature.*
- Amend RCW 13.50.260 to require courts to regularly hold administrative sealing hearings and to grant orders sealing and vacating all juvenile criminal history records when the juvenile is no longer incarcerated or on supervision. *State Legislature.*
- Amend RCW 13.50.260 to require courts to regularly hold administrative expungement hearings to physically and electronically destroy juvenile criminal history records when the juvenile has turned 18, and is no longer incarcerated or on supervision. *State Legislature.*
- Make changes to RCW 13.50.260 retroactive; administratively vacate, seal, and expunge all records of juveniles who have turned 18 and are no longer incarcerated or on supervision. *State Legislature.*



**Improve data collection, to more effectively disaggregate the impacts of the criminal legal system on communities.**

- Pass legislation improving data collection under HB 1214 (2018) to more effectively disaggregate school calls to police, so that data disaggregates Native Hawaiian and Pacific Islander students (separate from Asian students) and multi-racial students. *State Legislature*
- Evaluate and publish disaggregated race and ethnicity data and in discretionary and auto-decline on a yearly basis. *County prosecutors; Superior courts; Supreme Court.*
- Publish quarterly data, disaggregated by county, age, race, gender showing referrals from law enforcement, diversions, diversion completion, filing, and resolution of juvenile charges. *Superior Courts; county prosecutors; Supreme Court.*
- Develop data tracking and disaggregation protocols to ensure effective tracking of the impact of criminal legal system on Pacific islander/Native Hawaiian, Latinx, and multiracial children. Work with community leaders to develop protocols. *Law enforcement agencies; county prosecutors; Superior Courts; Supreme Court.*

**C. EDUCATION RECOMMENDATIONS**

As with the juvenile legal recommendations, the youth-articulated goals, indicated in bold text, are animated by the three bedrock principles articulated above. In this set of recommendations, the regular bold text indicates youth-articulated goals for our public education system. The normal text below each goal contains the specific policy proposals that will help achieve the youth articulated goal. Where possible, policy proposals are directed to particular audiences, reflected in *italics*.

**Eliminate the conditions that lead to policing, prosecution, and incarceration.**

- Ensure that community input, particularly the input of BIPOC students, families and educators, is sought and incorporated when the professional educational standards board revises and updates cultural competency standards for educators. *Professional Educators Standards Board; State Legislature*
- Amend RCW 28A.415.445 to increase state funding for professional development days related to cultural competence, diversity, equity, and inclusion from one day per year to two; explicitly include anti-racism as a topic that educators should be trained on.e. *State Legislature*
- Set specific goals for increased representation of BIPOC teachers and staff in each school district. *Local School Districts*

- Allocate state funding for paying parent/community members as part or full time staff members to work in classrooms and school buildings. *State Legislature*

**Dedicate more robust resources to mental health counseling, including BIPOC mental health counselors.**

- Include mental health counselors as part of basic state education funding, with minimum ratios consistent with recommendations by the American School Counselor Association and higher ratios allocated to schools with higher rates of BIPOC students and students living in poverty. Require schools to hire mental health counselors consistent with the recommended ratios. *State Legislature*
- Invest in tele-health and remote resource availability in areas without sufficient youth mental health counselors. *State Legislature/local school districts*
- All schools implement universal screening, beginning in elementary school, to identify strengths and needed supports for young people and families; this can include implementing Positive Behavioral Intervention & Supports (PBIS) or other model that includes generalized supports for students without requiring a 504 plan or IEP to access school-based supports. Parents and community members should be involved in identifying screening tools and ensuring privacy and other protections for students. *State Legislature/local school districts/OSPI*
- Invest in behavioral health support specialists who can consult with/train teachers to develop and implement strategies to support teachers. *State Legislature*
- Increase state resources for recruitment/training mental health counselors from local communities (I.e., paraeducator to counselor training programs, teacher to counselor training programs). *State Legislature*

**Implement curriculum that is relevant for youth of color, including ethnic studies, social justice and community organizing, financial literacy, and emotional literacy.**

- Create model ethnic studies units integrated into core curriculum standards for each grade/academic subject. *OSPI*
- Create a model ethnic studies curriculum for elementary, middle, and high school.
- Increase teacher training in ethnic studies curriculum. *OSPI*
- Add social justice/community organizing tools and examples to K-12 social studies curriculum standards. *OSPI/State Board of Education*
- Fully implement state standards for financial education. *Local School Districts*
- Require each school district to provide social emotional learning and other emotional literacy curriculum. *State Legislature*
- Provide students with the resources they need to effectively participate in school curriculum and activities, including subsidized school supplies, field trips, and extracurricular activities. *Local school districts.*

- Ensure that every student has access to reliable internet and a computer, both in school and at home. *State Legislature, local school districts.*

**Break down biases and hold teachers and other students accountable for racist actions in schools.**

- Require each school district to develop and implement a racial equity resolution and plan. *State Legislature*
- Revise bullying and harassment protocols to specifically identify race-based bullying and harassment and identify specific action steps to prevent and hold teachers and students accountable for race-based bullying and harassment. *OSPI; Local School Districts*
- Require each school district to develop and implement a bullying and harassment prevention plan that specifically identifies strategies to prevent bullying and harassment based on race, ethnicity, and other identities. *OSPI, Local School Districts*
- Provide training for educators and students on how to use restorative justice principles to build a positive and inclusive school climate, provide a space for members of the school community to identify racist actions, and enable people to acknowledge the harm that has been done and create commitments towards change. *Local School Districts, Community based organizations, OSPI.*

**Dismantle harmful and racist policies and practices in the education system that punish and push BIPOC youth out of schools and into the prison pipeline. Eliminate police in schools, court involvement for truancy, and zero tolerance and other racist disciplinary policies.**

- Community Wellness
  - Ensure that each school district creates and implements a meaningful community engagement process that invites parents and students, including BIPOC families and students to co-design a school community wellness plan to support students, families, and educators. This could include increased resources for counselors, community mentors, social workers, mental health professionals, school social workers, parent and peer educators. *Local school districts/State Legislature*
  - Create state funding for students and community members to be compensated for participation in co-design of school wellness plan. *State Legislature*
  - Work to increase student and parent engagement with school budget development, including providing resources to help students and families understand the budget development process and ways they can engage. *Local school districts.*

- Truancy/School Attendance
  - Require schools to keep students in their school of choice when students have to move between placements/homes due to dependency, foster care, criminal justice involvement. *State Legislature*
  - Amend Chapter 28A.225 RCW to eliminate the filing of truancy petitions in court and to decouple community-led truancy boards from the court petition process. Ensure continued state-level data collection and public reporting on absenteeism, referrals to community-truancy boards, and school-based interventions to address truancy (including disaggregation by race and other demographic factors). *State Legislature.*
  - Increase funding for attendance/student support liaisons in each school district tasked with engaging students and families at risk of becoming truant and identifying school-based changes and community-supports to increase attendance. *State Legislature, local school districts.*
  - Convene a working group to recommend best practices for community-based truancy boards and best practices to promote accountability among schools and school personnel for increasing student attendance. The working group should include representatives of BIPOC communities historically pushed out of schools, homeless and foster youth, and parents. *Office of Superintendent of Public Instruction.*
  - Create and fund disposition alternatives that partner with schools to ensure education and special education supports to help youth stabilize in schools. *County prosecutors, superior court, local school districts.*
  
- Eliminate Police in Schools
  - Increase non-police resources to support safe school climates and effective conflict resolution, including hiring mentors and counselors for students who are from the local community. *Local school districts.*
  - Pass legislation that prohibits schools from contracting with law enforcement and private security forces for police or private security presence in schools. *State Legislature.*
  - Eliminate the crimes of disturbing schools, RCW 28A.635.030, abusing or insulting teachers, RCW 28A.010, and willfully disclosing examination questions, RCW 28A.635.040. Amend the crime of willfully disobeying school administrative personnel to prohibit application of the statute to a student enrolled in the school. *State Legislature.*
  - Pass legislation requiring schools to use restorative justice or other school-based alternatives prior to calling police for any incident that does not involve imminent risk of serious physical injury to others. *State Legislature*

- Until legislation is passed removing police from schools, OSPI should provide a report on the implementation of RCW 28A.320.124, which requires school districts to have policies, resources, and training to reduce or eliminate the use of police to provide interventions for in-school behaviors.4. *OSPI; Local School Districts*
- Exclusionary Discipline
  - Adopt legislation to prevent suspensions and expulsions from state-funded early childhood education programs. *State Legislature*
  - Adopt legislation to prevent suspensions and expulsions of children from elementary and middle school. *State Legislature*
  - Eliminate suspension and expulsion for subjective offenses such as disorderly conduct, disrespect, disturbing schools, and “other behavior”. *State Legislature; local school districts*
  - Allow parents/students to bring a lawsuit/administrative complaint against school districts that are denying students who have been suspended/expelled and denied equitable education services. *State Legislature.*

**Increase restorative justice and student led disciplinary boards, to replace exclusionary school discipline and policing as responses to conflict.**

- Work with community-based organizations to design model restorative justice programs for local school districts. *OSPI*
- Create state funded training and technical assistance program for restorative justice programs in schools. Restorative justice programs should focus both on prevention of harm/conflict (building a positive and inclusive school climate) and on providing a response to harm. *OSPI/State Legislature*
- Implement restorative justice programs in middle and high schools. *Local School Districts*
- Create and fund disposition alternatives that partner with schools to ensure education and special education supports to help youth stabilize in schools. *County prosecutors, superior court, local school districts.*

**Increase access to after school programs, job-training programs, and other ways for youth to earn money, gain skills, and build community.**

- Increase opportunities for accessible/affordable/subsidized extracurricular activities led by community-based organizations that can increase youth connection to school and provide opportunities for skill development and healing. *Local school districts; Community based organizations; County governments; State Legislature*

#### D. HOMELESSNESS AND FAMILY REGULATION<sup>3</sup> RECOMMENDATIONS

As with the juvenile legal and education recommendations, the youth-articulated goals, indicated in bold text, are animated by the three bedrock principles set forth above. The impacted youth that worked on this particular set of recommendations introduced a fourth bedrock principle: eliminate barriers to effective services created by systems breakdowns.

In this set of recommendations, the regular bold text indicates youth-articulated goals to address homelessness and the family regulation system. The normal text below each goal contains the specific policy proposals that will help achieve the youth articulated goal. Where possible, policy proposals are directed to particular audiences, reflected in *italics*.

##### **Youth-Articulated Bedrock Principles:**

- **Ensure that everyone has the material conditions to thrive;**
- **Promote self-awareness and positive self-expression.**

**Provide direct cash assistance, transportation accessibility, and access to electronics to youth in group homes and in foster homes to ensure their self-sufficiency, support their relocation efforts, and reduce the likelihood that they reengage with gangs.**

- Implement forthcoming recommendations from DCYF on improving financial capability for youth in foster care. Ensure that every youth in care (including federal foster care) who wishes may open a private, self-controlled bank account. Create a state program to deposit monthly funds into those accounts for youth ages 14+ to begin practicing money management and financial literacy skills. *DCYF; State Legislature; Dep't of Commerce*
- Remove barriers to appropriate transportation options, including providing options for youth in group homes and in foster homes to have access to a vehicle to practice driving skills, ensuring youth have the funding and knowledge to use public transportation where appropriate, and ensuring the availability of other means of transportation when needed to ensure timely travel arrangements. *DCYF; State Legislature; Dep't of Commerce*
- Ensure all youth have access to electronics with reliable internet connections. *Dep't of Commerce; OSPI*

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3. The subcommittee did not reach consensus on whether to use the term family regulation, child welfare, or foster care system; all three terms are used throughout this document.

**Increase opportunities for youth in foster system or youth experiencing homelessness to obtain stable housing.**

- Fully implement HB 2607, which removes barriers to state ID access for homeless youth. *OSPI, local school districts, Dep't of Licensing*
- Ensure that youth exit state systems of care into safe and stable housing by: 1) fully implementing HB 1905 (2022) to ensure housing options for youth exiting state systems of care 2) following recommendations of [HCA report](#) on supporting transitions for YYA exiting behavioral health treatment and 3) fully implementing recommendations from [OHY report on safe & stable transition](#). *State Legislature; HCA; OHY*
- Continue to increase supply of state-funded long-term housing options for youth and young adults experiencing homelessness.
- Provide legal and self-advocacy education to youth and young adults, including tenant protections, juvenile record sealing/expungement, and other civil legal aid needs. *Local governments; local school districts*
- Continue to expand & enforce tenant protections that will enable young people to obtain & maintain rental housing that meets their needs, including: spreading move-in costs, closing just cause eviction loophole, and others. *State Legislature*
- Ensure that any assessment tools (i.e., vulnerability assessment tools) used to prioritize housing resource are evaluated to prevent exacerbating racial disproportionality or other inequities. Encourage statewide adoption of OHY/Youth Homelessness demonstration project assessment for coordinated entry. *Local governments*

**Protect the basic health of homeless youth**

- Ensure hygiene and wound care resources for young people discharging from hospitalization into homelessness or housing instability. *HCA*
- Require that managed healthcare organizations start screening for homelessness at intake, and provide any person experiencing homelessness free wound care and sanitation kits when discharging from the hospital. *HCA*
- Implement SB 5883 (2022) to ensure that unaccompanied homeless minors are able to obtain routine, non-emergency medical care without the barrier of not having a parent/guardian to consent. *HCA*

- Address legal “limbo” that youth encounter if they don’t have a parent/guardian willing or able to consent to a stay in shelter and CPS/child welfare declines to intervene. Ensure that young people in this situation may consent to their own shelter stay while being able to access civil legal aid services to identify temporary or longer-term placement pathways. Create greater accountability for child welfare system to respond to requests for assistance/help from young people. *HCA*

**Increase flexible funding resources for youth transitioning from homelessness**

- Establish Guaranteed Basic Income program to ensure that low-income individuals in WA receive monthly funding. Follow recommendations of the GBI feasibility study that is due in 2022. *DSHS*
- Implement HB 1905 (see above) and fully fund, it includes flex funding for those exiting systems of care. *OHY; HCA*

**Ensure culturally competent and supportive educators and school resources for youth and families in crisis**

- The subcommittee endorses the Project Education Impact workgroup’s recommendations for supports for students in foster care and students experiencing housing instability.<sup>4</sup> *OSPI; WSAC; SBCTC*
- Revise or eliminate RCWs that criminalize student behavior and contribute to school-to-prison pipeline. *State Legislature*
- Continue to grow & expand the Homeless Student Stability Program, ensuring that it serves unaccompanied homeless students too. *OHY; OSPI*

**Youth-Articulated Bedrock Principles:**

- **Shift power from the family regulation system to the community.**

**Eliminate racial disproportionality in the child welfare system**

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4. Project Education Impact, *2021 Report to the Governor, Legislature, and Educational Opportunity Gap Oversight and Accountability Committee*, at 8, 9-11, 31-33 (Oct. 29, 2021).



- Incorporate youth voice to create a CPS equity toolkit that is developed with youth voice and includes: a CPS review board made up of those with lived experience; the use of Adverse Childhood Experiences (ACEs) in CPS decision-making; and social worker training to address implicit bias perspectives to reduce racial disproportionality. *DCYF*
- Required continued judicial education regarding implicit biases and how they may play out at each decision point in the family regulation court process. *DCYF; Tribal governments*
- Create an intergovernmental task force to analyze systems and policies of coordination between Tribal governments and state agencies that serve Native American youth experiencing foster care and homelessness. *State Legislature*
- Support continued efforts of *Keeping Families Together* which meets and develops legislative proposals aimed at promoting family integrity and eliminating racial disproportionality in the child welfare/family regulation system. Ensure that the voices of older youth are included in policy development, and promote youth voice, youth agency, and youth decision making as allowable by law.
- Increase funding and other supports for kinship caregivers and the children in their care. *DCYF; State Legislature*
- DCYF should consider adopting family driven decision-making, which has been increasingly implemented by formal child welfare and community-based agencies, including the Casey Family Foundation. Family driven decision making consists of (a) a coordinator who has time and resources to prepare the family group; (b) private family time that allows the family group to plan and take ownership; (c) a child welfare agency that gives preference to the family plan over any other; and (d) resources and formal mechanisms to follow up on the agreed plans. Generally, FGDM has been proven to help reduce disparate outcomes for families of color by employing a coordinator who understands the cultural context of the family group, and who remains constantly aware of his or her own biases and assumptions. <https://cascw.umn.edu/wp-content/uploads/2015/03/CW360-Winter2015.pdf>. *DCYF*
- Examine policy changes in response to 2011 WSIPP study on FDTM/FGTM and impact of those policy changes. *DCYF*
- Study/expand program piloted in Snohomish County, where a group of lawyers started the Family Intervention Response to Stop Trauma (FIRST) Clinic. FIRST operates as an emergency response system for parents at risk of losing their kids. For parents who have just given birth and have triggered a call to DCYF – most of whom have substance addictions – FIRST aims to arrive within 30 minutes to advise the mom of her rights. They

then secure a “parent ally” and social service worker on the case – all to show removal is unnecessary. *DCYF*

- Study availability and efficacy of both Family Treatment Court and Supportive Housing Family Centers ([see this example from the Lummi Nation](#)), explore robust state wide funding for these programs, and data gathering and assessment to ensure programs are accessible and serving all families, and particularly families of color. *DCYF; State Legislature*
- Ensure sufficient resources are dedicated to training of assigned social worker from Department of Children, Youth, and Families to ensure respectful and appropriate communications with young people, adopt low caseload standards, and give the social worker the resources they need to fully inform the court of the community available to the child. The child’s community, and the child to the extent it is developmentally appropriate, should be involved in the decision-making regarding the child. *DCYF*

**Involve youth in developing training for all people interacting with homeless and foster youth and in ensuring that training is implemented.**

- Office of Homeless Youth conduct youth-informed evaluations of training for shelter staff, including focus groups, to ensure that staff are utilizing what they have learned. All young adult shelter staff should receive comprehensive training including racial equity, mental health first aid, young adult development, care for disabilities, and trauma informed care. *OHY*
- Pass state legislation requiring all people that support young people in foster care and extended foster care to receive comprehensive pre-service core curriculum and ongoing trainings, and are evaluated for understanding/application of training. Training and curriculum to be developed with youth input and cover cultural responsiveness, crisis de-escalation, trauma informed disciplinary practices, trauma informed care, case file interpretation, and acceptance of beliefs. Youth input into trainings must be incorporated. *State Legislature; DCYF*
- Create a training curriculum that includes young people and a training task force to assess current trainings being offered, train trainers across the state, and evaluate training programs for fidelity to the recommendation immediately above. *DCYF*
- Create a certification process with ongoing recertification requirement. Include a component that includes support groups/community of practice for those who have received training. *Dep’t of Commerce; OHY; DCYF*

- Ensure safe & affirming care options for LGBTQ youth. Require LGBTQ+ training as part of foster parent licensing, ask caregivers to affirm their support for LGBTQ youth as part of licensing process, establish reporting/feedback loops so young people can safely report bullying, retaliation, abuse, or other concerns while in care in a confidential way. *DCYF*
- Enforce requirements to protect SOGIE information for youth from disclosure without their express permission.

**End disproportionate involvement of foster and homeless youth in the juvenile justice system.**

- Minimize or eliminate police presence in youth shelter and child welfare settings. Start with internal assessment of RCWs, WACs, and agency policies in DCYF and OHY that require police presence or notification and determine whether there is an alternative, non-law-enforcement response available instead. Consider increasing resources for caregivers and group homes to handle behavioral issues without the involvement of law enforcement. *DCYF; OHY; State Legislature*
- Increase state funding for community-based, culturally competent services to support youth and families in crisis, that would strengthen families and resolve crisis quickly, address placement stability for youth in foster care, and expand capacity for youth with acute behavioral health needs and/or experiencing sexual exploitation. Ensure that services take a harm reduction approach and also include concrete supports (e.g. flexible funding) rather than just services (e.g. case management). Services must be developed with youth & family input and include feedback loops that result in program improvement. *State Legislature; local governments*

**Youth-Articulated Bedrock Principles:**

- **Eliminate barriers to effective services created by systems breakdowns.**

**Increase stability among child welfare system staff and foster families working with young people.**

- Reduce case manager turn-over in homelessness service programs and among DCYF case workers. *OHY; DCYF*

- Expand [MOCKINGBIRD FAMILY](#) and other programs that create networks of support and community for caregivers, family of origin, case workers, and children & youth. *State Legislature; DCYF*

**Adequately support children and youth in foster care to maintain strong family connections while in foster care**

- Centralize and share information about how to connect children with their siblings in other systems, track visitation data and disaggregate by age, race and ethnicity, support for virtual visits to supplement in-person visitation. Pay particular attention to family connection with half-siblings and when there is a large age gap between siblings. *DCYF*
- Allow youth, especially older youth, to have a voice in determining visitation schedule and environment, as well as give them agency and choice in who they spend time with. *DCYF*
- Prioritize youth-led behavioral health treatment options. [Ensure that Family Initiated Treatment](#) is not mis-used or over-used for youth in foster care to force them into behavioral health treatment inappropriately. *HCA; DCYF*
- Ensure culturally competent therapy is available for young people to both support reconnection with family and to give young people the necessary internal resources to navigate for themselves; institute thorough vetting of therapists to ensure that the specific provider and therapeutic approach meets the needs of the young people. *DCYF; HCA*
- Support virtual connections for children/youth and siblings/family of origin as a supplement to in-person visits. *DCYF*

**Ensure effective transition between youth serving agencies**

- Implement HB 1905, which includes a rapid response team to address inter-agency coordination. *State Legislature; DDA; DCYF*



## APPENDIX A – RECOMMENDATIONS PROCESS

### Juvenile Justice Subcommittee Recommendations Process

*Adopted by the subcommittee at the April 6, 2021 subcommittee meeting*

The first step in formulating recommendations is to recognize that organizations and individuals representing community concerns and interests of those most impacted by the juvenile legal system and the ecosystem within which it operates have already articulated a set of recommendations with respect to many aspects of the current juvenile legal system, family regulation system, and educational system. In recognition that those most impacted possess the expertise to define the arc of change, the proposal is as follows:

1. Those most impacted by the juvenile legal system will set the overarching goals that define the arc of change. The first phase of this happened on 4/20, when youth in the youth advocacy program at CHOOSE 180 and Community Passageways presented their goals. Other youth involved in advocacy with Community Passageway, Creative Justice, Rainier Beach Action Coalition, and PICA-WA, are also participating in setting goals. These goals will be adopted as the overarching goals of the subcommittee.
  - a. Further goals pertaining to early ed, child welfare, homelessness, education, and provision of mental health services will be generated by youth from the community led orgs above, as well as via The Mockingbird Society (and possibly others). The same process set forth in this process document will apply to these recommendations.
2. For those on the task force not representing impacted communities, the work is to accept those goals rather than to challenge them or attempt to redefine or superimpose other visions.
3. The next phase of work is to define a roadmap/set of recommendations for how to achieve each of the stated goals. Recommendations may be generated/proposed by anyone on the subcommittee or brought in from external sources. The subcommittee is proposing that the recommendations will be organized in a different format than in the 2012 report. The recommendations will identify the stated goals of the youth, the proposed policy recommendations necessary to reach those goals, and the institutions called upon to implement the proposed changes.
4. When the subcommittee meets to formulate or otherwise discuss/debate policy recommendations, the subcommittee will allow space to generate new recommendations but agree to flag them as such, put an explicit time cap on the initial discussion, and have a point person to provide proposal to group with any further research needed for full and informed conversation at a later date.
5. To build in accountability to the stated goals of impacted youth, each proposed recommendation will be adopted only if it furthers those goals. To assess whether a particular recommendation furthers the stated goals, that recommendation will be scrutinized according to an adapted rubric from [Critical Resistance](#):

- a. Does the recommendation reduce funding to the targeted institution and/or does the recommendation channel funding to community systems already in place and created by those most impacted?
  - b. Does the recommendation challenge the notion that the institution in question meets its stated purpose (i.e., that police increase safety, that child welfare helps children more than harms them, that the education system serves all children equally, that early ed is accessible to those who need it most, that JR rehabilitates rather than, that the court system is impartial and provides access equal justice for all, etc.)?
  - c. Does the recommendation reduce/restrict or otherwise redirect the power/authority/discretion held by that particular institution, where that power/authority/discretion has been routinely used to harm BIPOC and their communities?
  - d. Does the recommendation reduce the scale of the institution in question and/or does the recommendation articulate a different and acceptable purpose for the institution with built in accountability structures?
6. If consensus on a particular recommendation/set of recommendations appears impossible, any member of the subcommittee can stop the deliberations, at which point the subcommittee can agree to further deliberate (with a time limit), or determine that in impasse has been reached. Those members of the subcommittee who, for whatever reason, cannot endorse a particular recommendation or set of recommendations, will have the opportunity to indicate as much in the final report. For those subcommittee members who wish to set forth recommendations that are not consistent with the criteria in paragraph 5, they will have the opportunity to provide an alternative set of recommendations that will function as a minority report.
  7. All subcommittee members, particularly those who work within the systems we all acknowledge need to change, must get uncomfortable and think big. Those with positional power are invited to acknowledge it and use it to effect change.
  8. The aim of the subcommittee is to produce a set of recommendations that will be useful to both 1) advocates who can refer to these recommendations in furtherance of the multi-faceted strategies already taking place in the community, and 2) systems people who can refer to these recommendations in committing to steps that will be consistent with/in furtherance of the stated goals of those most impacted.