

HOUSE BILL REPORT

HB 1075

As Passed House

January 16, 1998

Title: An act relating to court jurisdiction.

Brief Description: Providing concurrent jurisdiction for certain courts dealing with compulsory school attendance.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Hickel, Mitchell, Keiser and Delvin).

Brief History:

Committee Activity:

Law & Justice: 1/24/97, 2/11/97 [DP].

Floor Activity:

Passed House: 2/24/97, 93-3;

Passed House: 1/16/98, 85-4.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Edie Adams (786-7180).

Background: Children who are of the age of 8 years old to 17 years old are required to attend school. If a child fails to attend school without valid justification, the school must take certain actions, including notifying the parent, scheduling a parent conference, and other steps to reduce the child's absences. No later than the fifth unexcused absence, the school must enter into an agreement with the student and parent requiring school attendance, refer the student to a community truancy board, or file a truancy petition with the juvenile court.

If the efforts of the school and the parents do not reduce the child's absences, the school district must file a truancy petition with the juvenile court no later than the seventh unexcused absence in a month or the 10th unexcused absence during a school year. The petition may be filed against the child, the parent, or the child and parent.

If the court finds that actions of the school district have not reduced the child's absences and that court intervention is necessary to reduce the absences, the court must grant the petition and assume jurisdiction over the child for the remainder of the school year. The court may order the child to attend school or an alternative school or education program. If the child fails to comply with the court order, the court may impose a sanction of detention or community service. If the court finds that a parent failed to exercise reasonable diligence in requiring the child to attend school, the court may fine the parent up to \$25 for each day of unexcused absences, or may impose a requirement of community service.

Prior to 1995, truancy petitions could be filed in juvenile court, which is part of superior court, or in district or municipal courts. In 1995, the Legislature repealed the authority of district and municipal courts to hear truancy petitions and required the petitions to be filed in juvenile court. The Legislature also expanded the circumstances under which a truancy petition must be filed.

Summary of Bill: District and municipal courts are granted original concurrent jurisdiction with the juvenile court over all proceedings involving truancy petitions. District and municipal courts may agree to exercise that jurisdiction but are not required to exercise it.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Truancy petitions are not being heard in a timely manner by the juvenile courts. It is important for these matters to be resolved quickly. It is inconvenient for a teacher, a parent, and a student to have to travel to the county seat for a hearing on a truancy petition. The computer systems of the juvenile court and district and municipal courts will be linked in six months, so the juvenile court will still be able to track information on a child's truancy filings.

Testimony Against: Juvenile court has jurisdiction over all matters relating to a juvenile, including dependency and juvenile offenders. This bill would fracture the system. It is important for the juvenile court to look at a juvenile's entire situation, and currently the juvenile court and district and municipal courts cannot share information. District and municipal courts do not have the services needed to hear truancy petitions. They do not have probation departments and are not able to order a juvenile into detention without an agreement with the superior court. The bill is counter to the concept of a family court that brings all matters relating to juveniles and families under one umbrella.

Testified: Representative Hickel, prime sponsor; and Martha Harden, Superior Court Judges Association (con).