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SENATE BILL 5118

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators McAuliffe, Hargrove, Winsley, Long and Sheldon

Read first time 01/15/97. Referred to Committee on Education.

1            AN ACT Relating to truancy petitions; and reenacting and amending  
2 RCW 28A.225.035.

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

4            **Sec. 1.** RCW 28A.225.035 and 1996 c 134 s 4 and 1996 c 133 s 31 are  
5 each reenacted and amended to read as follows:

6            (1) A petition for a civil action under RCW 28A.225.030 shall  
7 consist of a written notification to the court alleging that:

8            (a) The child has unexcused absences during the current school  
9 year;

10           (b) Actions taken by the school district have not been successful  
11 in substantially reducing the child's absences from school; and

12           (c) Court intervention and supervision are necessary to assist the  
13 school district or parent to reduce the child's absences from school.

14           (2) The petition shall set forth the name, age, school, and  
15 residence of the child and the names and residence of the child's  
16 parents.

17           (3) The petition shall set forth facts that support the allegations  
18 in this section and shall generally request relief available under this  
19 chapter.

1 (4) When a petition is filed under RCW 28A.225.030, the juvenile  
2 court shall schedule a hearing at which the court shall consider the  
3 petition. However, a hearing shall not be required if other actions by  
4 the court would substantially reduce the child's unexcused absences.  
5 When a hearing is held, the court shall:

6 (a) Separately notify the child, the parent of the child, and the  
7 school district of the hearing;

8 (b) Notify the parent and the child of their rights to present  
9 evidence at the hearing; and

10 (c) Notify the parent and the child of the options and rights  
11 available under chapter 13.32A RCW.

12 (5) The court may require the attendance of both the child and the  
13 parents at any hearing on a petition filed under RCW 28A.225.030.

14 (6) The court may permit the first hearing to be held without  
15 requiring that either party be represented by legal counsel, and to be  
16 held without a guardian ad litem for the child under RCW 4.08.050. At  
17 the request of the school district, the court may permit a school  
18 district representative who is not an attorney to represent the school  
19 district at any future hearings.

20 (7) If the allegations in the petition are established by a  
21 preponderance of the evidence, the court shall grant the petition and  
22 enter an order assuming jurisdiction to intervene for the ((remainder  
23 of the school year, if the allegations in the petition are established  
24 by a preponderance of the evidence)) period of time determined by the  
25 court, after considering the facts alleged in the petition and the  
26 circumstances of the juvenile, to most likely cause the juvenile to  
27 return to and remain in school while the juvenile is subject to this  
28 chapter. In no case may the order expire before the end of the school  
29 year in which it is entered.

30 (8) If the court assumes jurisdiction, the school district shall  
31 regularly report to the court any additional unexcused absences by the  
32 child.

33 (9) Community truancy boards and the courts shall coordinate, to  
34 the extent possible, proceedings and actions pertaining to children who  
35 are subject to truancy petitions and at-risk youth petitions in RCW  
36 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

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