

HOUSE BILL REPORT

HB 1991

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to information sharing between schools and juvenile justice and care agencies.

Brief Description: Changing provisions relating to information sharing between schools and juvenile justice and care agencies.

Sponsors: Representatives Lantz and Woods.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/17/02, 1/30/02 [DPA].

Brief Summary of Amended Bill

- Requires the court to notify, by mail, a juvenile's school when the juvenile is subject to the court's jurisdiction for certain offenses.
- Requires the court to notify the school, by mail, of a domestic violence or anti-harassment protection order hearing if the petitioner and the respondent attend the same school.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 5 members: Representatives Dickerson, Chair; Darneille, Vice Chair; Delvin, Ranking Minority Member; Eickmeyer and Tokuda.

Minority Report: Do not pass. Signed by 1 member: Representative Carrell.

Staff: Trudes Hutcheson (786-7384).

Background:

Detention and Disposition Proceedings

When a juvenile is taken into custody and held in detention, the court must hold a hearing within a certain time to determine whether continued detention is necessary. Notice of

the detention hearing must be sent to the parent, guardian, or custodian.

If the parent, guardian, or custodian is available, the court must consult with them prior to deciding whether to continue the detention, to release the juvenile, or to treat the case as a diversion. A diversion agreement is a contract between the juvenile and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Conditions under the diversion agreement may include requirements that the juvenile remain at home, in school, or at work during specified hours.

When determining a juvenile's sentence in a disposition hearing, the court must consider certain factors, such as information and arguments offered by the parties. In addition, the court must consult with the juvenile's parent, guardian, or custodian on the appropriateness of dispositional options. Certain dispositional options, such as community supervision, include the requirement that the juvenile attend school.

Anti-Harassment Orders

A person being unlawfully harassed by another may petition the court for a civil anti-harassment protection order. The parent, guardian, or custodian of a child under 18 may petition the court for an anti-harassment order restraining another person from contacting the child.

Domestic Violence Protection Orders

Any person, including a person at least 16 years old, may petition the court for a protection order if the person is a victim of domestic violence. The protection order under the Domestic Violence Prevention Act is available to "family or household members," which can include persons 16 years of age or older who have had a dating relationship.

Summary of Amended Bill:

Courts are required to notify the school by regular first class mail of the juvenile's detention hearing if the offense or violation involves an employee or student at the school, involves school property, or pertains to the juvenile's school attendance.

When imposing monitoring and reporting requirements, sanctions, or other dispositional conditions, the court must consider recommendations and concerns from the juvenile's school relating to the juvenile's school attendance.

Provisions are added to the procedures for civil anti-harassment orders and domestic violence protection orders to allow notification to schools. If a court determines, based on the petition for a protection order or anti-harassment order, that the petitioner and respondent attend the same school, the court must send a copy of the petition and notice

of the hearing to the school by regular first class mail. When providing relief, the court must consider the recommendations and concerns raised by the school. When a court enters a protection order or anti-harassment order, other than an ex parte temporary order, the court must send a copy of the order to the school.

Amended Bill Compared to Original Bill:

The amended bill clarifies that notice shall be sent by regular first class mail.

Appropriation: None.

Fiscal Note: Requested on January 31, 2002.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: These are easy notice requirements to implement. The court has to send a notice to the school so schools can protect the other students. Often the school is the last to know when a student has been involved with an offense.

Testimony Against: None.

Testified: Representative Lantz, prime sponsor; and Dennis Nugent, Peninsula School District.