

# SENATE BILL REPORT

## ESB 5983

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As Passed Senate, March 6, 2007

**Title:** An act relating to notice in truancy matters.

**Brief Description:** Requiring juvenile courts to provide truancy hearing notice using the court's resources.

**Sponsors:** Senators Stevens and Hargrove.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/07, 2/16/07 [DP].

Passed Senate: 3/06/07, 47-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

**Staff:** Kiki Keizer (786-7430)

**Background:** With few exceptions, children in Washington, aged eight to 17, must attend school. If a child has seven unexcused absences in a month or ten unexcused absences in a school year, a school district must file a truancy petition in juvenile court, requesting intervention and supervision.

The law provides that, when a juvenile court hearing is held in a truancy matter, the court must separately notify the child, the parent of the child, and the school district of the hearing; notify the parent and child of their rights to present evidence at the hearing; and notify the parent and the child of the options and rights available under the Family Reconciliation Act.

**Summary of Engrossed Bill:** When a juvenile court hearing is scheduled in a truancy matter, the court must, directly and using its own resources, separately notify the child, the parent of the child, and the school district of the hearing; notify the parent and child of their rights to present evidence at the hearing; and notify the parent and the child of the options and rights available under the Family Reconciliation Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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

**Staff Summary of Public Testimony:** PRO: Truancy affects children and families. Each truancy petition represents a child. There is a connection between truancy and many other problems such as drug abuse, teen pregnancy, and juvenile delinquency.

School district resources for enforcing the truancy laws are very limited. Some courts have found a loophole to make school districts do the work of providing notice of truancy hearings, and they have required the school districts to serve notice by certified mail or personal service, which is very costly.

In most jurisdictions, courts are providing notice of truancy hearings because they recognize the importance of court oversight in ensuring that children return to school. However, in some areas, courts are interpreting the law to require school districts to do the service. These courts are losing sight of the kids who are falling through the cracks. The highest risk kids are those most at risk because their parents won't return the proof of service for certified mail, and school districts don't have the money for personal service.

The Washington Association of Criminal Defense Lawyers and the Washington Defender Association recommend changing the word "within" to the word "using," so that the amendment reads, "using available funds."

CON: The Snohomish County Superior Court has taken the position that it is the petitioner's responsibility to provide proof of service in truancy matters, just as in any civil matter.

**Persons Testifying:** PRO: Deb Axtman, Marysville School District; Ruth Westbrook, citizen; June Sharey, Snohomish School District; Linda Ellis, Edmonds School District; Andrew Morrison, Washington Association of Criminal Defense Lawyers, Washington Defender Association.

CON: Craig Daly, Snohomish County Superior Court.