

HOUSE BILL REPORT

SB 5393

As Reported by House Committee On:
Juvenile Justice

Title: An act relating to truancy records.

Brief Description: Revising provisions relating to truancy records.

Sponsors: By Senators Long, Kline and Kohl-Welles; by request of Administrator for the Courts.

Brief History:

Committee Activity:

Juvenile Justice: 3/21/01, 3/28/01 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Authorizes certain juvenile records, including truancy records, to be entered in the statewide judicial information system.
- Requires the removal of a juvenile's truancy records and his or her parents' related records from the statewide judicial information system if specified requirements are met.
- Provides that a county clerk is not liable for the unauthorized release of this data by persons or agencies not subject to his or her control, or for inaccurate or incomplete information collected from litigants or other persons.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: Do pass as amended. Signed by 8 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Carrell, Darneille and Tokuda.

Staff: Jean Ann Quinn (786-7310).

Background:

With some exceptions, under Washington's compulsory attendance law, parents are required to send their children to school from age 8 to 18. When a juvenile has seven unexcused absences in a month or 10 in a school year, the school district is required to file a truancy petition with the juvenile court alleging a violation of this law by the parent, by the child, or by both the parent and the child. If the school district does not file a truancy position, the parent may file a petition with the juvenile court. The truancy petition must include the name, age, school, and residence of the child, as well as the names and residences of the child's parents.

After a truancy petition is filed, the juvenile court must either schedule a hearing to consider the petition or refer the case to a community truancy board. The court may order the juvenile to perform a number of requirements, including attending school. When a juvenile fails to attend school, the court may order the juvenile to be placed in detention for contempt or may impose alternatives such as community service. When a parent fails to exercise reasonable diligence to cause a child to attend school, that parent may be fined up to \$25 per day for each unexcused absence, or the parent may be ordered to provide community service.

Records not involving the commission of juvenile offenses, including truancy records, that are maintained by the juvenile courts and which relate to the official actions of a juvenile justice agency may be entered in the statewide juvenile court information system.

Summary of Amended Bill:

A truancy petition must include the name, date of birth, school, address, gender, race, and ethnicity of the child, and the names and addresses of the child's parents.

Records maintained by the juvenile courts, including truancy records, that relate to the official actions of a juvenile justice agency may be entered in the statewide judicial information system.

A juvenile's truancy records, and the records of his or her parents, must be removed from the statewide judicial information system when: (1) the juvenile or parent has no other case history; and (2) the juvenile is no longer subject to the compulsory attendance laws.

A county clerk is not liable for the unauthorized release of this data by persons or agencies not in his or her employ, or otherwise subject to his or her control. Additionally, a county clerk is not liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data under this law.

Amended Bill Compared to Bill:

The amended bill replaces the term sex– with the term gender– in describing the information that must be included in the truancy petition.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The courts will make better decisions if they have more complete information about a particular youth appearing before them. The kinds of records that would be taken off the system after the child has reached the age where they're no longer compelled to attend school are the ones that involved a single, isolated incident. There are no other cases in family or criminal law or elsewhere that are attached to them and so these records can go away because they no longer have a useful life. There is no reason to maintain them permanently. The county clerks have a responsibility for their information and how it is entered into the system. But they really have no control over information that is provided to them, and they also have no control over what happens when the information is passed on to other courts and other levels of courts.

Testimony Against: None.

Testified: Senator Long, prime sponsor; Tom Clark, Office Administrators for the Courts; and Debbie Wilke, Washington Association of County Clerks.