

Judiciary

HB 1297

Title: An act relating to truancy records.

Brief Description: Revising provisions relating to truancy records.

Sponsors: Representatives Carrell and Esser; by request of Administrator for the Courts.

Brief Summary of Bill

- *Authorizes the court to enter certain juvenile records, including truancy records, 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 when certain requirements are met.*
- *Provides that a county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, or for inaccurate or incomplete information collected from litigants or other persons.*

Hearing Date: 2/2/01

Staff: Katy Freeman (786-7386).

Background:

With some exceptions, under Washington's compulsory attendance law, parents are required to send their children to school from age eight to 18. When a juvenile has five 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 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 residence 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 or may impose alternatives such as community service. When a parent fails to make a child 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 at the child's school.

When applying contempt of court processes and penalties, parents and children are treated equally. Failure by any party in the action to follow a juvenile court order is considered a contempt of court. A contempt motion may be filed by a parent, a child, juvenile court personnel, or any public agency, organization, or person having custody of the child pursuant to a court order. A finding of contempt by the court may result in a fine of up to \$100, confinement not to exceed seven days, or both.

Truancy records, which relate to the official actions of any juvenile justice or care agency and which are maintained by the juvenile courts, may be entered in the statewide juvenile court information system.

Summary of Bill:

When a truancy petition is filed, information must include the name, date of birth, school, address, sex, race, and ethnicity of the child, as well as the names and addresses of the child's parents.

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 the agency may be entered in the statewide judicial information system.

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

Parents' records which stem from their child's truancy must be removed from the statewide judicial information system when: (1) the parents have no other case history; and (2) the juvenile is no longer subject to the compulsory attendance laws.

A county clerk is not liable for 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 section.

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

Appropriation: *None.*

Fiscal Note: *Not Requested.*