

# SENATE BILL REPORT

## SB 6600

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As Reported By Senate Committee On:  
Human Services & Corrections, February 07, 2008

**Title:** An act relating to juvenile truancy civil contempt proceedings.

**Brief Description:** Establishing procedures for civil contempt proceedings in truancy matters.

**Sponsors:** Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland and Tom.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/31/08, 2/07/08 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Jennifer Strus (786-7316)

**Background:** Pursuant to a truancy petition filed in juvenile court, the court may order a child subject to the petition to do one or more of the following:

- attend school;
- attend another public school, alternative school, center, skill center, dropout prevention program or another public educational program;
- attend a private nonsectarian school or program including an education center;
- be referred to a community truancy board if available; or
- submit to drug or alcohol testing and if the test indicates drug or alcohol use, order the child to discontinue using these substances.

If the child fails to comply with a court order, the court may order that the child be committed to juvenile detention for a period not to exceed seven days or may impose alternatives to detention such as community restitution.

**Summary of Bill (Recommended Substitute):** If the court issues a bench warrant because a youth has failed to appear for a truancy hearing, the court must also appoint an attorney to represent the youth if one has not already been appointed. A court may order that notice required under RCW 28A.225.035 be provided by means other than personal service, but only if personal service was unsuccessful and service has been attempted by certified mail, but returned as unclaimed, and the court bases its decision on documents or other information

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indicating that an alternative form of service is more likely than not to reach the person to be notified.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** Provision requiring appointment of an attorney if a bench warrant is issued is added. Provision allowing alternative means of service in certain situations is added.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The law does not currently specify how motions for contempt will be served. The result is there is no statewide consistency in service procedures. In Snohomish County, school representatives attempt to have each student served two times by hand. If this is unsuccessful, school officials attempt to deliver the notice by certified mail. The school district's experience is that many respondents fail to claim the certified mail. A copy of the notice is also sent to the student via regular mail. This has worked in the past. Attorneys are now arguing that notice of the contempt is not sufficient unless it has been personally served. Personal service is costly and often is not the most effective means by which to provide notice. This bill is needed to clarify the proper notice method to be used in contempt cases.

CON: Without the study contemplated in SB 6429, it is scary to think about changing the law before we know what works in truancy cases and what doesn't. Notice by mail does not provide actual notice of the hearing and motion to the student. It should be by personal service. Poverty, homelessness and frequent moves occur for a lot of these youth, and sending notice to an old address does not work to provide sufficient notice.

OTHER: The Becca Task Force could not come to consensus on a position on this bill.

**Persons Testifying:** PRO: Debra Axtman, Marysville School District; Linda Ellis, Edmonds School District; Ruth Westbrook, citizen.

CON: Jana Heyd, Society of Counsel; Luke Wickham, Washington Defender Association; Kim Ambrose, Washington State Bar Association, Juvenile Law Section.

OTHER: Bobbe Bridge, Becca Task Force.