
SENATE BILL 5983

State of Washington

60th Legislature

2007 Regular Session

By Senators Stevens and Hargrove

Read first time 02/12/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notice in truancy matters; and amending RCW
2 28A.225.035.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.225.035 and 2001 c 162 s 1 are each amended to
5 read as follows:

6 (1) A petition for a civil action under RCW 28A.225.030 or
7 28A.225.015 shall consist of a written notification to the court
8 alleging that:

9 (a) The child has unexcused absences during the current school
10 year;

11 (b) Actions taken by the school district have not been successful
12 in substantially reducing the child's absences from school; and

13 (c) Court intervention and supervision are necessary to assist the
14 school district or parent to reduce the child's absences from school.

15 (2) The petition shall set forth the name, date of birth, school,
16 address, gender, race, and ethnicity of the child and the names and
17 addresses of the child's parents.

18 (3) The petition shall set forth facts that support the allegations

1 in this section and shall generally request relief available under this
2 chapter and provide information about what the court might order under
3 RCW 28A.225.090.

4 (4) When a petition is filed under RCW 28A.225.030 or 28A.225.015,
5 the juvenile court shall schedule a hearing at which the court shall
6 consider the petition, or if the court determines that a referral to an
7 available community truancy board would substantially reduce the
8 child's unexcused absences, the court may refer the case to a community
9 truancy board under the jurisdiction of the juvenile court.

10 (5) If a referral is made to a community truancy board, the truancy
11 board must meet with the child, a parent, and the school district
12 representative and enter into an agreement with the petitioner and
13 respondent regarding expectations and any actions necessary to address
14 the child's truancy within thirty days of the referral. If the
15 petition is based on RCW 28A.225.015, the child shall not be required
16 to attend and the agreement under this subsection shall be between the
17 truancy board, the school district, and the child's parent. The
18 agreement shall be presented to the juvenile court for its approval.

19 (6) The court shall approve the agreement by order or schedule a
20 hearing. The court may, if the school district and community truancy
21 board agree, permit the truancy board to provide continued supervision
22 over the student, or parent if the petition is based on RCW
23 28A.225.015, and report on compliance with the order.

24 (7) If the truancy board fails to reach an agreement, the truancy
25 board shall return the case to the juvenile court for a hearing.

26 (8) Notwithstanding the provisions in subsection (4) of this
27 section, a hearing shall not be required if other actions by the court
28 would substantially reduce the child's unexcused absences. When a
29 juvenile court hearing is held, the court shall, directly and within
30 its own resources:

31 (a) Separately notify the child, the parent of the child, and the
32 school district of the hearing;

33 (b) Notify the parent and the child of their rights to present
34 evidence at the hearing; and

35 (c) Notify the parent and the child of the options and rights
36 available under chapter 13.32A RCW.

37 (9) The court may require the attendance of the child if eight

1 years old or older, the parents, and the school district at any hearing
2 on a petition filed under RCW 28A.225.030.

3 (10) A school district is responsible for determining who shall
4 represent the school district at hearings on a petition filed under RCW
5 28A.225.030 or 28A.225.015.

6 (11) The court may permit the first hearing to be held without
7 requiring that either party be represented by legal counsel, and to be
8 held without a guardian ad litem for the child under RCW 4.08.050. At
9 the request of the school district, the court shall permit a school
10 district representative who is not an attorney to represent the school
11 district at any future hearings.

12 (12) If the allegations in the petition are established by a
13 preponderance of the evidence, the court shall grant the petition and
14 enter an order assuming jurisdiction to intervene for the period of
15 time determined by the court, after considering the facts alleged in
16 the petition and the circumstances of the juvenile, to most likely
17 cause the juvenile to return to and remain in school while the juvenile
18 is subject to this chapter. In no case may the order expire before the
19 end of the school year in which it is entered.

20 (13) If the court assumes jurisdiction, the school district shall
21 regularly report to the court any additional unexcused absences by the
22 child.

23 (14) Community truancy boards and the courts shall coordinate, to
24 the extent possible, proceedings and actions pertaining to children who
25 are subject to truancy petitions and at-risk youth petitions in RCW
26 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

27 (15) If after a juvenile court assumes jurisdiction in one county
28 the child relocates to another county, the juvenile court in the
29 receiving county shall, upon the request of a school district or
30 parent, assume jurisdiction of the petition filed in the previous
31 county.

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