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March 31, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
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Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David Janssen
Chief Administrative Officer

MOTION TO SUPPORT SENATE BILL 950 (ALARCON) RELATED TO TRUANCY FOR DEPENDENT CHILDREN (ITEM NO. 7, AGENDA OF APRIL 1, 2003)

Item Number 7 on the April 1, 2003 agenda is a motion by Supervisor Antonovich to support SB 950 (Alarcon) and send a letter to Governor Davis, Senator Alarcon and the Los Angeles County Legislative Delegation expressing the Board's support of SB 950.

Existing law provides that a child may be determined to be a dependent child of the court due to physical, sexual or emotional abuse, exploitation and neglect, defined in part as: "the failure or inability of his or her parent or guardian to adequately supervise or protect the child", and "the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse".

As introduced, SB 950 would add habitual truancy to the list of factors whereby a child may come under the jurisdiction of the juvenile court and be adjudged a dependent of the court. Under existing law, truancy alone does not constitute grounds to place the child under dependency jurisdiction.

To be considered an "habitual truant", a pupil must first be classified as a truant three or more times. To be initially classified as a truant, a pupil must miss three full days of school without a valid excuse or be tardy 30 minutes or more three times during the school year without an excuse, or a combination of the two totaling three occurrences. A pupil is classified as a truant for a second time if the pupil misses one full day of school without an excuse or is tardy one time 30 minutes or more without an excuse. If a pupil is classified as truant for a third time, they are labeled an habitual truant after an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil, and the pupil. Once a pupil is labeled an habitual truant, SB 950 would allow the child to be adjudged a dependent child of the court.

The Department of Children and Family Services (DCFS) indicates that existing law addresses habitual truancy and contains step-by step procedures for schools to follow to address truancy. The process begins by notifying the child's parent or guardian of the child's absences, including written notices to the parent or guardian. Make-up classes, after-school and weekend study programs are also available. If these efforts are not successful, the school must notify the district attorney, the probation officer, or both.

DCFS states that in counties such as Los Angeles, schools also have School Attendance Review Boards (SARBs), a multidisciplinary team consisting of attendance counselors, school administrators, mental health providers, probation officers, law enforcement representatives, health services representatives, and PTA board members. These SARBs meet with the parent or guardian and child to discuss the issue of poor school attendance and/or truancy and develop a contract with the child and parent to ensure school attendance. Failure to comply with this contract may result in a referral to the District Attorney's office that may lead to the filing of a petition in juvenile court. The child may be adjudged a ward of the court and the court may order the parent to deliver the child to school every day, order the parent(s) to pay a fine, or order the child to be placed in juvenile hall or probation camp.

In addition, DCFS states that teachers, school administrators, probation officers, mental health providers, school nurses and district attorneys are all mandated reporters of suspected abuse and/or neglect. If any of the educational and law enforcement professionals working with the family to address the child's truancy have a reasonable suspicion that the child is being abused or neglected by the parent or guardian, they are mandated by the Child Abuse and Neglect Reporting Act to report the child to the child protective agency or law enforcement for investigation.

DCFS indicates that SB 950 would impose an unfunded mandate for child protection agencies to assume responsibilities already assigned to school districts by increasing the number of calls and written reports to DCFS's Child Protection Hotline, and impact the Department's caseload by increasing the number of referrals requiring an in-person emergency response. DCFS states that moving truancy issues to dependency court as proposed by SB 950 is not necessary because existing law already provides for juvenile court jurisdiction for truants.

County Counsel indicates that SB 950 could result in a transfer of duties from Probation to DCFS and has concerns that this bill may significantly reduce DCFS's ability to service their existing child abuse and neglect cases. County Counsel recommends that the Chief Probation Officer and the District Attorney report to the Board on the effectiveness of the existing Truancy Mediation Program, and assess their current handling of truancy and how well it is working.

Based on the information provided by DCFS that: 1) existing law already provides for juvenile court jurisdiction for truants; 2) schools in the County have School Attendance Review Boards in place to address pupil attendance; and 3) SB 950 would impose an unfunded mandate on the Department by increasing the number of calls and written reports to the Child Protection Hotline and impact DCFS's caseload by increasing the number of referrals requiring an in-person emergency response, **we recommend that the County oppose SB 950.** Opposition to SB 950 is consistent with existing policy to oppose unfunded mandates.

SB 950 is sponsored by the City Attorney of Los Angeles and there is no registered support or opposition. However, the County Welfare Directors Association of California has indicated an oppose position on SB 950 is pending. This measure is set for hearing on April 9, 2003 in the Senate Health and Human Services Committee.

DEJ:GK
EW:ib

c: Executive Officer, Board of Supervisors
County Counsel
Department of Children and Family Services
District Attorney
Probation