
SENATE BILL 6600

State of Washington 60th Legislature 2008 Regular Session

By Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, and Tom

Read first time 01/18/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to juvenile truancy civil contempt proceedings; and
2 adding a new section to chapter 28A.225 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.225
5 RCW to read as follows:

6 (1) The following definitions apply throughout this section:

7 (a) "Contempt of court" means intentional:

8 (i) Disorderly, contemptuous, or insolent behavior toward the judge
9 while holding the court, tending to impair its authority, or to
10 interrupt the due course of a trial or other judicial proceedings;

11 (ii) Disobedience of any lawful judgment, decree, order, or process
12 of the court;

13 (b) "Remedial sanction" means a sanction imposed for the purpose of
14 coercing performance when the contempt consists of the omission or
15 refusal to perform an act that is yet in the person's power to perform.

16 (2) The following provisions shall apply to all juvenile truancy
17 civil contempt proceedings brought under this chapter:

18 (a) Warning. The order to show cause shall advise the responding

1 party, in prominent language, that failure to appear shall result in
2 issuance of a warrant for the arrest of that party. The order must
3 include the following words in capital letters:

4 YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME,
5 DATE, AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A
6 BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN
7 DETENTION UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR
8 UNTIL BAIL IS POSTED.

9 No bench warrant will be issued in such cases for the apprehension of
10 the cited person if such language has been omitted.

11 (b) Service. The order to show cause, together with the motion and
12 supporting declarations or other materials, shall be personally served
13 or sent by certified mail. If service is made by certified mail, the
14 papers shall be deposited in the post office addressed to the person on
15 whom they are being served, with the postage prepaid. If certified
16 mail is returned unclaimed, the serving party may file an affidavit
17 stating facts from which the court determines that service by regular
18 mail is just as likely to give actual notice as personal service or
19 certified mail, the court may order that service be made by any person
20 over eighteen years of age, who is competent to be a witness, other
21 than a party, by mailing copies of the summons and other process to the
22 party to be served at his or her last known address or any other
23 address determined by the court to be appropriate. If service is made
24 by regular mail, the papers shall be deposited in the post office
25 addressed to the person on whom they are being served, with the postage
26 prepaid.

27 (c) Proof of service by mail. Proof of service of all papers
28 permitted to be mailed may be by written acknowledgment of service, by
29 affidavit of the person who mailed the papers, or by certificate of an
30 attorney. The affidavit or certificate may be in a form substantially
31 as follows:

32 CERTIFICATE

33 I certify that I mailed a copy of the foregoing to
34 (name of a person), at (office address or residence), and to
35 (name of another person), an additional party, at (office
36 address or residence), postage prepaid, on (date).

1
2 (Name of attorney)
3 Attorney for (party)

4 (d) Failure to appear. At the hearing, if the responding party
5 fails to appear and upon proof of service of the pleadings required by
6 this rule, the court may order arrest of the responding party. Other
7 requested remedies may also be ordered upon default, even if a warrant
8 is not ordered.

9 (3) The court may initiate a proceeding to impose a remedial
10 sanction on its own motion or on the motion of a person aggrieved by a
11 contempt of court in the proceeding to which the contempt is related.
12 The court, after notice and hearing, may impose a remedial sanction
13 authorized by this section.

14 (4) If the court finds that the person has failed or refused to
15 perform an act that is yet within the person's power to perform, the
16 court may find the person in contempt of court and impose one or more
17 of the following remedial sanctions:

18 (a) Commitment to juvenile detention for a period of time not to
19 exceed seven days. This sanction may be imposed in addition to, or as
20 an alternative to, any other remedial sanction authorized by this
21 chapter. This remedy is specifically determined to be a remedial
22 sanction;

23 (b) A forfeiture not to exceed two thousand dollars for each day
24 the contempt of court continues;

25 (c) An order designed to ensure compliance with a prior order of
26 the court;

27 (d) Any other remedial sanction other than the sanctions specified
28 in (a) through (c) of this subsection if the court expressly finds that
29 those sanctions would be ineffectual to terminate a continuing contempt
30 of court.

31 (5) The court may, in addition to the remedial sanctions set forth
32 in subsection (4) of this section, order a person found in contempt of
33 court to pay a party for any losses suffered by the party as a result
34 of the contempt and any costs incurred in connection with the contempt
35 proceeding, including reasonable attorneys' fees.

36 (6) The court may find a juvenile, who has willfully disobeyed the

1 terms of an order issued, in contempt of court and may, as a sole
2 sanction for such contempt, commit the person to juvenile detention for
3 a period of time not to exceed seven days.

4 (7) The judge presiding in an action or proceeding may summarily
5 impose either a remedial or punitive sanction authorized by this
6 chapter upon a person who commits a contempt of court within the
7 courtroom if the judge certifies that he or she saw or heard the
8 contempt. The judge shall impose the sanctions immediately after the
9 contempt of court or at the end of the proceeding and only for the
10 purpose of preserving order in the court and protecting the authority
11 and dignity of the court. The person committing the contempt of court
12 shall be given an opportunity to speak in mitigation of the contempt
13 unless compelling circumstances demand otherwise. The order of
14 contempt shall recite the facts, state the sanctions imposed, and be
15 signed by the judge and entered on the record.

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