

SESSION OF 2002

**SUPPLEMENTAL NOTE ON  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2230**

As Amended by Senate Committee of the Whole

**Brief\***

Senate Sub. for HB 2230 amends the Kansas Code for Care of Children to expand the dispositional options of a judge when dealing with violations of the compulsory education or truancy laws. The bill provides the following options for a judge if the child is age 14 or older.

- ! Place the child under house arrest;
- ! Order the parent or guardian to participate in parenting classes;
- ! Order the child to participate in a program of education including placement in an alternative education program approved by the local board of education;
- ! Suspend the child's driver's license or privilege to operate a motor vehicle;
- ! Place conditions on driving privileges in lieu of suspension;
- ! Order the child or parent or guardian to pay a fine of not to exceed \$250.

In addition, a court may order a child 14 or over to attend school without any excused absences or comply fully with conditions of arrest. The bill establishes procedures for a hearing regarding violations of such orders and permits holding the child in a secure facility after a preliminary hearing. A hearing must be held within 24 hours following the child being taken into custody, if the child admits the allegations of the

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

application, or within 72 hours following the child being taken into custody, if detention is ordered. Notice of the time and place of the hearing shall be given orally or in writing to the child's parents, any legal custodian of the child and the child's guardian ad litem. Upon the hearing, the court may enter an order awarding custody of the child to:

- ! A parent;
- ! A person other than the parent or other person having custody;
- ! A youth residential facility; or
- ! The Secretary of the Department of Social and Administrative Services, if the Secretary does not already have legal custody of the child.

The child's parents may be assessed costs of the placement in a secure facility.

The Senate Committee of the Whole amendment would amend the definition of "Child in Need of Care" to provide that a judge may determine that a child is not a child in need of care who is not attending school because of threats directed toward the child, fear of personal safety, or the presence of an environment that causes the child to be frightened.

## **Background**

The substitute bill was supported by the Kansas Association of School Boards and a district judge from Johnson County. Proponents said the bill would help keep children in school.

No fiscal note was available for the substitute bill.

The original HB 2230 dealt with DUI amendments, most of which were enacted in 2001.