



The Judiciary, State of Hawaii

Testimony to the House Committee on Education

The Hon. Roy M. Takumi, Chair
The Hon. Takashi Ohno, Vice Chair

Wednesday, February 13, 2013
2:00 p.m.
State Capitol, Conference Room 309

WRITTEN TESTIMONY ONLY

by
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Deputy Chief Judge, Senior Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 190, Relating to Truancy

Purpose: Establishes a working group, administratively attached to the Judiciary, to study methods to prevent or control truancy in elementary schools.

Judiciary's Position:

The Judiciary supports the intent of this bill. We respectfully strongly recommend that this working group should be administratively attached to either the Dept. of Education (DOE) or the Office of the Attorney General (AG). Both of those offices have the necessary authority, expertise, and network contacts and/or working relationships with the list of invitees noted in this bill. Furthermore, if a "community truancy board" is successfully established, it would be properly under the DOE's administrative control rather than the Judiciary's.

The Judiciary strongly agrees with the preamble of this bill regarding the importance of a basic education to both the elementary school child as well as the health and economic well-being of our community. Upon the planning and implementation of an appropriate form of a "community truancy board," the family court will of course work collaboratively with the DOE



House Bill No. 190, Relating to Truancy
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Wednesday, February 13, 2013, 2:00 p.m.
Page 2

and the AG to ensure a seamless connection between the court and the work of the community board.

At this time, we are aware that schools, feeling the urgency on behalf of the child, may feel hampered by requirements dictated by the DOE and the AG. After the pre-petition process which the family court has nothing to do with, they then are subject to the standard court period between the petition's filing and the first hearing based on the need to provide adequate service and notice to all the parties. Meanwhile, the elementary school child, who is often not intentionally being a truant but may be missing school due to family circumstances, languishes without the educational foundation necessary to healthy development.

In the last calendar year, we dealt with approximately 60 court hearings for truancy cases and we are committed to continuing our recognition of the importance of these cases. Particularly with this bill's emphasis on elementary schools (which we agree should be the grades to focus on), placement of this working group under the DOE or the AG would better ensure the success of this working group. Development of an administrative board for an executive agency is not within the kuleana of the Judiciary. But, even if this were, we could not possibly have the expertise and understanding of the myriad elementary schools and their communities throughout this state. However, the family court would be more than willing to be a member of the group to lend the expertise that we do have.

Thank you for the opportunity to submit testimony on this bill.