

*Bellevue School District v. E.S.*

No. 83024-0

MADSEN, C.J. (concurring)—I agree with the majority that there is no due process right to counsel at the initial truancy hearing. However, I also agree with the Court of Appeals that the concerns identified in its opinion, *Bellevue School District v. E.S.*, 148 Wn. App. 205, 199 P.3d 1010 (2009), strongly suggest that an attorney could facilitate a better outcome in these cases for the child, the family, and for the district as well. Accordingly, I urge the legislature to consider enacting a statute to provide for counsel at these hearings, similar to the American Bar Association House of Delegates' Recommendation 109A (Aug. 9-10, 2010) (“RESOLVED, That the American Bar Association urges state, local, territorial, and tribal governments to provide legal counsel to children and/or youth at *all stages* of juvenile status offense proceedings, as a matter of right and at public expense” (emphasis added)).

AUTHOR:

Chief Justice Barbara A. Madsen

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WE CONCUR:

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