

# SUMMIT COUNTY JUVENILE COURT TRUANCY AND FAILURE TO SEND TRAINING

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## **Truancy Docket Zoom Line**

Meeting ID: 532 395 9511

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## **TRUANCY DEFINED [R.C. 2151.011(B)(18)]**

"Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for:

- 30+ consecutive hours, or
- 42+ hours in one school month, or
- 72+ hours in a school year.

## **SCHOOL DISTRICT REQUIREMENTS**

**[R.C. 3313.668; R.C. 3321.16; R.C. 3321.19]**

- Attendance policies are set by the School District, not by the Court or by the Revised Code.
- No district/school may suspend, expel, or remove a student solely based on the student's absences from school, without legitimate excuse. [R.C. 3313.668]
- The school's attendance officer **must** file a Referral and Complaint against the student **and**

the parent/guardian in the juvenile court **on or before** the 61<sup>st</sup> day after the implementation of absence intervention plan if:

- The student was habitually truant during the school year; or
  - The school has made meaningful attempts to re-engage the student through an absence intervention plan; or
  - The student has refused to participate in or failed to make satisfactory progress on the plan. [R.C. 3321.16(B)(1)]
- **Districts may file Referrals before the 61<sup>st</sup> day if circumstances warrant early filing.** Please do not "hold on" to referrals. File them as soon as they are eligible.
  - District must submit the following information when filing a referral with the Juvenile Court:
    - Completed School Referral Form including **School Contact email and phone;**
    - Most recent attendance records;
    - Attendance Intervention Plan;
    - Truancy and/or FS Complaint; and
    - **Updated Family Contact Information.**
  - If a Referral is defective, it cannot be filed, and the Court cannot proceed with an official case.

## **FILING OF A COMPLAINT**

**[R.C. 2151.27(G)]**

**Helpful hints when filing a Complaint:**

- Only one parent/child can be listed on each Complaint.
- Current legal guardian(s) must be listed on Failure to Send (FS) Complaint(s).
- Complaint must be signed and dated.
- Complaint must include notary seal/signature.
- Guardian's name/address/phone # must be listed on bottom/back of Complaint.
- If Complaint is not notarized before arrival, it must be signed in presence of Clerk.
- A formal Complaint must be used only as a last resort to address truancy.
- Upon the filing of a Complaint the court shall consider an alternative to adjudication, including diversion.



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## DIVERSION

### [Juv.R. 9(A)]

- Diversion Case Manager reviews truancy packet, requests updated attendance reports, and additional information from school. Diversion Session is scheduled. Notices are mailed to parent/guardian.
- The goal of diversion is to identify the barriers to attendance and connect families with services that will help increase the student's attendance. **The goal is not to punish families for attendance issues.**
- At the Diversion Session barriers to attendance are identified, plan is developed, contract is signed, and a review is scheduled.
- All truancy diversions are monitored for 30 days. If attendance improves, diversion case is closed successfully. If attendance does not improve, the truancy and/or FS cases are filed officially.
- If the Diversion Case Manager is not able to contact the family or the family does not show for the diversion session, the truancy and/or FS cases are filed officially.
- The Court does not file truancy cases on children 11 years and younger, only the associated FS case is filed officially.
- If the family has several previous unsuccessful diversion cases, diversion is skipped, and new Complaints are filed officially.
- Diversion Case Managers will inform schools of the outcome of the diversion process.



## FORMAL TRUANCY AND FS CASES

### [Juv.R. 29(F)]

- As a last resort, when diversion is unsuccessful, a formal truancy and/or FS Complaint is filed.
- The goal of formal truancy and/or FS cases is to identify the barriers to attendance and connect families with services that will help increase the student's attendance. **The goal is not to punish families for attendance issues.**
- Students are provided free representation by the Summit County Legal Defenders Office. The Legal Defender Social Worker will consult on cases. In FS cases, parents have the right to representation but are not provided an attorney by the Court.
- Truancy Case Managers are assigned to each family to connect them with community services. Truancy Case Managers also communicate with the school.
- If necessary, the Court can require the student to:
  - Attend an alternative school;
  - Participate in a particular academic or community service program;
  - Attend a drug/alcohol abuse counseling program; or
  - Receive necessary medical or psychological treatment.
- In the most serious of cases, the Court may make a referral to Summit County Children Services if the Court believes the child is abused, neglected, or dependent.
- When a family fails to appear for court hearings or service fails due to incorrect contact information, the truancy and FS case(s) are marked unavailable and NOT dismissed. Unavailable cases can be reactivated.
- **Arrest warrants are not issued in truancy and FS cases.**
- When a family successfully addresses the truancy issues and shows significant improvement in attendance, the case is dismissed. Successfully dismissed cases are automatically sealed.
- The Court will inform Districts of the outcome of formal truancy and FS case(s).