

CONSEQUENCES & PENALTIES FOR TRUANCY

- A Child in Need of Protection or Services (CHIPS) petition may be filed in Juvenile Court. The parents will be named on the petition; proceedings will be open to the public.
- A child can be placed on house arrest and subject to Electronic Home Monitoring (EHM) which means the child cannot leave the residence unless at school or with a parent.
- A child can be assigned community work services hours.
- A child may be removed from home and placed in a shelter care, foster care, or short term residential facility. Parents/guardians can be required to pay a fee for placement.
- The child may be ordered to attend family or individual counseling and may be required to participate in a chemical use assessment and to follow recommendations. The Court can also order random drug or alcohol testing.
- Child can be fined upon to \$100.00.
- Parents/guardians can be required to compel the child's attendance and deliver the child to school at the beginning of each school day for a period of time specified by the Court.
- The Court may revoke or delay all driving privileges up until a student's 18th birthday.
- Both a child and a parent/guardian can be found in civil contempt of court for knowingly violating a juvenile court order. The purpose of civil contempt is to coerce compliance and can result in a fine and/or incarceration.
- REMEMBER — the most significant consequences for truancy are not court sanctions. Children who fail to attend school are more likely to become involved in other negative and illegal activities that severely limit later opportunities in life. Uncorrected truancy is the beginning of a lifetime of unmet potential and failed experiences. Don't let something this preventable happen to you or someone you care about.*

THE TMP — STOPPING TRUANCY IN ITS TRACKS

ADDITIONAL RESOURCES



Central Minnesota Mental Health Center
(320) 252-5010

Stearns County Family Services Collaborative
(320) 252-4561

St. Cloud Hospital – Behavioral Health
(320) 255-5777

STARS for Children's Mental Health
(763) 271-5321
1-877-333-0083

Catholic Charities
(320) 252-0412

Lutheran Social Services
(320) 251-7700

First Call for Help
(320) 252-3474

Stearns County Human Services
(320) 656-6000

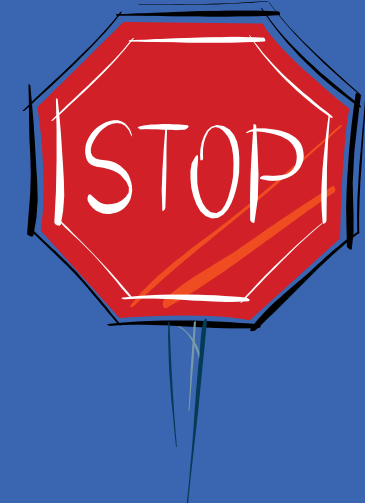


Stearns County

PUBLICATION DATE: FALL 2008

TMP Truancy Mediation Program

***STOPPING TRUANCY
IN ITS TRACKS***



Janelle P. Kendall
Stearns County Attorney
705 Courthouse Square, Room 448
St. Cloud, MN 56303-4701
Phone: 320-656-3880
Fax: 320-656-6695
county.attorney@co.stearns.mn.us
www.co.stearns.mn.us/1220.htm

Department of Human Services
Family & Children Services Division
Phone: 320-656-6000
Fax: 320-656-6220
TDD: 320-656-6204
Toll Free: 1-800-450-3663

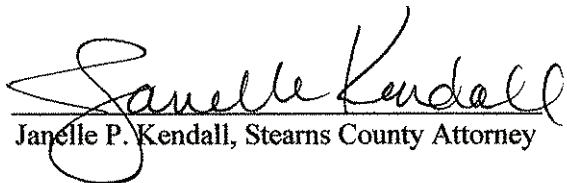
A MESSAGE FROM STEARNS COUNTY ATTORNEY JANELLE KENDALL

School attendance is mandatory in the State of Minnesota for good reason -- children cannot achieve success without the benefits of education. Unfortunately, truancy is a national epidemic that robs children of their potential and leads to disastrous consequences including criminal activity, drug use, and teenage pregnancy. Research documents that a community's response to truancy must be **immediate, proactive, and thorough.**

That is why the Stearns County Attorney's Office with Stearns County Human Services has established the **Truancy Mediation Program (TMP)**. The **TMP** is modeled after extensive research and includes components from successful statewide and national truancy programs. Working collaboratively with families, social workers, school professionals, and other community members, the **TMP** aims to **stop truancy in its tracks** by incorporating the entire community in the solution to a child's truancy behavior.

Because truancy is such a critical early indication of other high risk negative behavior, the **TMP** is designed to **immediately** respond to truancy, **proactively** identify barriers to a child's school attendance, and **thoroughly** implement an individualized intervention that provides appropriate incentives and penalties.

A child's decision to stay in school is extremely important – important to the child's success, and important for the success of the whole community.


Janelle P. Kendall, Stearns County Attorney

SCHOOL ATTENDANCE IS THE LAW

A student between the ages of 12 and 16 is considered **truant** if he or she is absent without legal excuse for **three or more full or partial school days**. Children ages 16 and 17 cannot independently "drop out" of school but can lawfully withdraw from school with their parents' permission. The law mandates that parents compel their children to attend school. There are potential criminal penalties if a parent fails to do so.

If a student misses school for a full or partial day for legitimate reasons, a parent or guardian must notify the school.



Examples of excused absences include:

- Sickness
- Medical or Mental Health Appointments
- Religious Holidays
- Extreme Family Emergency

Examples of unexcused absences include:

- Missing the bus
- Oversleeping
- Cold weather
- Babysitting

THE TMP PROCESS

The **TMP** utilizes a three step process to combat truancy. In **STEP 1**, the school monitors attendance and begins meeting and speaking with students and parents/guardians when unexcused absences occur. After three unexcused absences, schools are legally required to notify parents/guardians that the child is **truant** and parents/guardians are encouraged to accompany their child to school for a day. If unexcused absences continue, parents/guardians are referred to a **Truancy Informational Meeting (TIM)** presented by the County Attorney's Office and Human Services. This meeting will outline the law regarding school attendance, the diversion process, and the potential legal consequences of truancy. **Parents/guardians and students are required to attend this meeting!**

If absences continue and a child reaches **seven unexcused absences** they are considered "**habitually truant**" and will be referred to **STEP 2**, the **Truancy Diversion Conference (TDC)**. This is a student's and parents/guardians' last chance to avoid being prosecuted for truancy. In the **TDC**, a Human Services social worker arranges a formal meeting between the school, parents/guardians, the child, and other important community members. A Diversion Contract is negotiated and signed to keep a child in school and out of court.

If the **TDC** does not result in improved school attendance, the student and parents/guardians will be referred to **STEP 3**. At this step, after all less restrictive interventions have been tried, the student is petitioned to **COURT** as a child in need of protection and services based on truancy. The parent/guardian can also be criminally prosecuted if they have not compelled their child's school attendance.