

**JOHNSON COUNTY UNIFORM TRUANCY POLICY**

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**History**

An education is one of the most valuable tools we can provide to our children to ensure their future success. Texas House Bill 2398 was passed into law during the 84<sup>th</sup> Legislative Session with the ultimate goal of keeping children in school and facilitating their graduation, while also decriminalizing truancy. The Uniform Truancy Policy Committee of Johnson County recognizes there are often underlying factors that contribute to a child's truant behavior. This Committee believes it is important to utilize all available resources to assist truant children to identify and overcome the barriers that affect their attendance and performance in school. With this in mind and in accordance with the framework established in House Bill 2398, the Committee has established the following Uniform Truancy Policy for Johnson County.

**Jurisdiction and Venue**

In accordance with Texas Family Code Section 65.004, the justice courts and municipal courts of Johnson County are designated truancy courts and have exclusive original jurisdiction over cases involving allegations of truant conduct and parent contributing to nonattendance.

All truancy-related cases processed through the Johnson County justice courts will adhere to the recommendations outlined in this policy. All truancy-related cases processed through the municipal courts will adhere to similar procedures established by the respective municipalities.

Venue for a proceeding involving truant conduct or parent contributing to nonattendance is at the discretion of each school district; however, consideration should be given to the court best suited to serve the needs and interests of the child and/or parent.

**Juvenile Case Manager**

Pursuant to Texas Family Code Section 65.017, Johnson County will employ a Juvenile Case Manager in accordance with Article 45.056, Code of Criminal Procedure, to provide services to children who have been referred to the truancy court or who are in jeopardy of being referred to the truancy court.

**Juvenile Case Manager Fund**

Johnson County will collect court costs to be deposited into its Juvenile Case Manager Fund, which has been created and maintained pursuant to Articles 102.0174 and 102.015 Code of Criminal Procedure, to finance the salary, benefits, training, travel expenses, office supplies and other necessary expenses related to the position of a Juvenile Case Manager.

Further, if there is money in the fund after those costs are paid, on approval by the employing court, the Juvenile Case Manager may direct the remaining money to be used to implement programs directly related to the duties of the Juvenile Case Manager, including: juvenile alcohol and substance abuse programs; education and leadership programs; and any other projects designed to prevent or reduce the number of juvenile referrals to the court.

## **Uniform Filing Procedures**

As authorized by the Johnson County Uniform Truancy Policy Committee, the Juvenile Case Manager is hereby designated as an agent of the courts and will serve as the central referral and record-keeping location for all truant conduct and parent contributing cases. The Juvenile Case Manager will coordinate and communicate with the school districts, prosecutors and courts and provide for a streamlined and uniform process for all truancy-related cases.

### **In the matter of a child case under TEC Section 25.0951(a):**

- A. The school district will identify students who have engaged in truant conduct in accordance with Texas Family Code Section 65.003(a) and promptly forward all case information and supporting documentation to the Juvenile Case Manager to initiate the referral process.
- B. The Juvenile Case Manager will refer the case to the prosecutor immediately, but no later than the next business day.
- C. The prosecutor will promptly review the case and determine whether or not to file a petition alleging truant conduct. A petition will be filed with the court no more than 45 days from the last absence. If a petition is not filed, the prosecutor will return the case to the Juvenile Case Manager with a letter of declination.
- D. Upon receipt of the petition, the court will schedule a hearing on the matter no sooner than the 10<sup>th</sup> day from the date the petition was filed and notify all interested parties.

### **In the matter of a parent case under TEC Section 25.0951(b):**

- A. The school district will identify parents who have failed to require their child to attend school in accordance with TEC Section 25.093(a) and promptly forward all case information and supporting documentation to the Juvenile Case Manager to initiate the complaint process.
- B. The Juvenile Case Manager will refer the case to the court immediately, but no later than the next business day.
- C. Upon receipt of the complaint, the court will promptly schedule a hearing and notify all interested parties.

## **Local Plan**

The purpose of the local plan is to work collaboratively with school districts, ASAP officers, juvenile services, case managers, the prosecutor's office, justice and municipal courts, and other community leaders and invested parties to develop strategies to address truancy, including but not limited to effective prevention, intervention, screening and diversion methods to reduce truancy and referrals to truancy court.

- A. At the beginning of each school year, the school districts will forward to the case manager a copy of their truancy prevention measures, as required by Texas Education Code Section 25.0915, and the names of their truancy prevention

**facilitators. Any change within the school year will also be forwarded to the case manager.**

- B. At least annually, the truancy prevention facilitators will meet with the Juvenile Case Manager to review effective truancy prevention measures.**
- C. The school districts will promptly identify students who have accumulated 3 or more unexcused absences and begin applying truancy prevention measures.**
- D. The Juvenile Case Manager will maintain data records on every child and parent case for the purpose of record sharing and tracking.**
- E. The Juvenile Case Manager will supervise each assigned case with special emphasis on attendance of school.**
- F. The Juvenile Case Manager will assist the child/family in identifying barriers to school attendance and make referrals to community based resources for assistance when applicable.**
- G. The prosecutors will review cases promptly and make decisions to file petitions based on the best interest of each child.**
- H. The courts, in making requirements for the child and/or parent, will make decisions on each case individually taking into consideration what is in the child or parent's best interest to reduce barriers and improve attendance.**
- I. Truancy can be an indicator of maltreatment, neglect, or the existence of adverse childhood experiences. The school districts, Juvenile Case Manager, and courts should employ a strategy to determine whether these conditions exist and make the appropriate referrals to services as needed.**