

ARE YOU OR SOMEONE YOU KNOW IN COURT FOR MISSING SCHOOL (“TRUANCY”)?

A new law – HB 410 – has some new rules about how courts handle truancy cases (cases when students are in trouble for missing school). HB 410 goes into effect on April 6, 2017.

Should I get a lawyer for my truancy case? – Yes. You should ask the court to assign a lawyer to help you with your case. Your lawyer will be able to help you figure out a plan.

When can I get charged with truancy? – To be charged with truancy, you need to miss 30+ hours of school in a row, 42+ hours in one month, OR 72+ hours in one year.

How does the law change how the court will handle my truancy case? – Under the new law, the court is only supposed to use formal filing – or formal case – as a last resort. Instead, you and your lawyer could advocate for you to:

- Get into a diversion program – like mediation or counseling – to help get you back in school without a formal case. You may not be able to be in diversion if: 1) you already tried the program and it didn’t work or 2) the court doesn’t have a program.
- Use the juvenile court rules to dismiss your case.

In court, you and your attorney should work together to figure out a plan, like:

- Telling the court you already were in a diversion program and did well – “made significant progress.”
- If you have started going back to school, talking to your lawyer about telling the court that you started going back to school and why.
- If you aren’t going to school, talking to your lawyer about telling the court why you can’t or don’t want to go to school.

Can I be considered “delinquent” for truancy? – You can only be considered “delinquent” for truancy if you have a hearing that you violated a court’s order – meaning the court told you do something (go back to school) and you didn’t do it.

Can a parent, guardian, or caregiver be charged with truancy? – Yes. The court can file charges against your parent, guardian, and caregiver if you miss school after providing a warning. *Parents, guardians, and caregivers should ask the court for their own lawyer.*

Can my lawyer or I get information on how many kids are truant in my county? – Yes. The court should collect this data and have it available in a report.

*Have Questions? Need Help? Contact the
Juvenile Justice Coalition at 614-400-5548 or info@jjohio.org.*