

INSTRUCTIONS
TRUANCY PETITION REFERRAL FORM

These instructions are provided to assist school staff in completing the Houston County Attorney's Office Truancy Petition Referral form. Pertinent information from school personnel is required before a referral can be properly processed. Failure to provide complete information may delay processing of the referral.

Under Minnesota law, a habitual truant is defined as a person under the age of 18 who is absent from attendance, **without lawful excuse**, for seven full days if the child is in elementary school, or for seven full or partial days for a child in middle school, junior high or high school.

Children under age 12, who have missed without lawful excuse, seven full days are to be referred to Houston County Public Health & Human Services for an educational neglect assessment.

An Invalid Excuse May Include:

- Staying home to baby-sit
- Being tired
- Cold weather
- Missed bus
- Work
- Needed at Home
- Child is not immunized
- Runaway

A Valid Excuse May Include:

- Religious holiday
- Family emergency
- Illness (unless otherwise notified by mail that doctor or nurse verification is needed)
- Doctor's visit including mental health

The following are not considered trancies:

School Detention or Suspension
Homework Helper

Note: If the school sees a pattern of the parent(s)/guardian(s) enabling the child by excusing them as ill, we encourage the school to send a letter to the parent(s)/guardian(s) advising them that future illnesses need to be verified by the school nurse or by doctor's note. In extreme cases, the school generated letter can specify that the doctor's note must indicate the illness and verify that the child should not have been in school. Lacking this school generated letter, illnesses claimed by parents cannot be counted as truancy by the school.

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It is very important to complete all information on the form. Excluding necessary information may delay the processing of the truancy referral.

Student Information: Completing full name, date of birth, gender, and grade is essential. This information is needed if we petition the court.

Parent/Guardian Information: Names and addresses of both parents are needed if the school has access to that information. If the matter goes to petition, it is required by law that both biological parents are served with the Petition and provided notice of the Court Hearings. If the legal guardian is other than the parent, please note that information on the form.

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Attendance Information: For children 12 years or older, it is necessary that absences have occurred on seven different days, but may be for partial days (do not have to be full days).

Pre-Petition Referral Efforts: Please take the time to complete this section by checking all interventions that have been attempted by the school to eliminate/reduce the student's absences/tardies. Be sure to provide dates and copies of any correspondence between the school and the parents. This will assist in assessing the appropriate level of intervention. If a letter was mailed to the parent(s) advising them that illnesses be verified either by the school nurse or by a doctor's note, please check the appropriate box and attach a copy of the letter.

What's NEXT?

Once **the truancy petition referral** form is completed, please send it, along with attachments, to the Houston County Attorney's Office by email to the following:

Suzanne M. Bublitz, Assistant Houston County Attorney
Suzanne.bublitz@co.houston.mn.us

Houston County Attorney's Office Legal Assistants:
HCAO@co.houston.mn.us

What Happens AFTER a Referral is Sent?

Case Screening: Once the referral is received by the Houston County Attorney's Office, it is reviewed to determine if it is legally sufficient. This means that it is reviewed to determine that there is a pattern of truancy under the definition provided by law and there is supporting evidence to prove the case in court. If there is something missing from the referral, the contact person listed on the referral will be contacted and instructed what is required and how it can be corrected.

What happens if a Truancy Petition is filed?

Petitioning: Petitioning to juvenile court may result when all other resources are exhausted. It should be everyone's goal to re-engage the child into school without court intervention. The school and/or parent will often make a recommendation to this decision; however, the Houston County Attorney will make the ultimate decision of whether or not to petition to court.

The petition will be drafted by the County Attorney's Office and emailed to the Petitioner as listed by the school on the truancy referral form to be signed and returned. The Houston County Attorney's Office will file the petition and supporting documents, if any, with the Court.

Court Hearings: Petitioning schools will be notified of all hearings set by the juvenile court. School officials will be required to attend all hearings as Petitioner. Input from school personnel regarding recommendations for the disposition will be necessary.

If the family does not admit to the petition at the first hearing, the court will set the matter on for a contested court

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trial. The school official who submitted the Truancy Referral will be asked to cooperate with the County Attorney's Office in preparing the case and will be required to provide in-person testimony at the court trial.

Truancy Court participants and their parents/guardians are required to report to every court appearance. Failure of a student to attend court may result in a warrant being issued and transportation to a shelter. Failure of a parent to attend Court may result in a contempt of court proceeding, issuance of a warrant and/or imposition of a fine.

Once a finding of habitual truancy is made by the juvenile court, a disposition will be adopted by the court that will require the student and/or parents to complete case specific requirements. A review hearing will be held in 30 – 60 days before the same judge to monitor compliance. Each case will be reviewed on its own merits to determine the appropriate court disposition and subsequent review hearings to monitor compliance or need for modification of the disposition. School officials will be asked to provide timely updates on the student's attendance, academic performance and behavioral issues prior to the next court hearing. This information must be provided to the County Attorney's Office at least 5 days before each court hearing. School personnel shall attend all future hearings.