

MIDLAND COUNTY TRUANCY PROTOCOL

Truancy from school is a serious concern in Midland County. Truancy is a stepping-stone to delinquent and criminal activity. Reports have concluded that chronic absenteeism is the most powerful predictor of delinquent behavior.

This protocol has been developed to assist the schools with children who are not attending school on a regular basis.

The Law

The Midland County Probate Court/42nd Circuit Court – Family Division, the 75th District Court and the Midland County Prosecuting Attorneys Office are continuing to work with the schools to address this problem.

The Parents

By law, “every parent, guardian, or other person in this state having control and charge of a child from the age of six to the child’s sixteenth birthday, shall send that child to the public schools during the entire school year.” Violation of this law is a misdemeanor punishable by up to 90 days in jail and/or a fine. Exceptions to this law exist, including attendance at private, parochial schools. MCL 380.1599

The Children

The Midland County Probate Court/42nd Circuit Court – Family Division has jurisdiction over youth who “willfully and repeatedly absents himself or herself from school or other learning program intended to meet the child’s educational needs... .” MCL 380.1561. The law requires that the school meet with the parent or guardian, and with the child to address educational problems.

School Procedures

To address the issue of truancy as quickly as possible, it is imperative that the schools accurately document every absence and responses to the absences. The school must determine when a youth is truant and take appropriate action.

The Courts believe that situations involving younger children, ages 6 to 11 should be handled in District Court with a complaint against the parent. For older children, up to age 16, it may be appropriate to address the issue with the Midland County Probate Court/42nd Circuit Court – Family Division, the District Court, or both.

The Midland County Probate Court/42nd Circuit Court – Family Division suggests the following procedures:

1. The ESA will deputize a “Truancy Officer,” who is a staff person at each school.
2. These Truancy Officers will monitor attendance for excessive absence or tardiness. Consecutive days are not required. There is no rigid number of days required for initiation of the truancy process. Ten school days missed in a marking period is suggested merely as a guideline.
3. If a problem exists, the officer shall send LETTER #1 to the parent or guardian of the child. It must be sent via certified mail, return receipt requested, deliver to addressee only, as well as by regular mail. In the alternative, it may be personally served on the parent or guardian. Each parent or guardian must receive their own copy of the letter.

The Meeting

4. Pursuant to the letter, a meeting must be held between the child, the child’s parent or guardian, Truancy Officer and other appropriate school officials. At the meeting, educational counseling and alternative agency help will be considered and sought. An agreement regarding attendance should be reached and signed. Further, consequences should be discussed in the event truancy remains a problem. The agreement must include the requirement that the youth will resume regular and consecutive school attendance.

After the Meeting

5. A copy of LETTER #1 and the agreement shall be sent to the child’s teacher(s) and school principal so that they may closely monitor further attendance.
6. Any problems must be reported immediately to the school Truancy Officer.
7. If the problem continues, the Truancy Officer shall send LETTER #2, again by certified mail, return receipt requested, deliver to addressee only or by personal delivery as well as by regular mail. Each parent or guardian must receive their own copy of the letter.

Still Absent

8. For children ages 6 to 11, if the child remains absent, and court intervention is sought, the Truancy Officer shall meet with the Supervisor of Court Services, Dan Godwin or his designee at the Midland County Probate Court/42nd Circuit Court – Family Division. A meeting will be held by him with the youth, parent or guardian, and Truancy Officer. The Truancy Officer shall contact Dan Godwin at 832-6894 to schedule the meeting. Notice for the meeting will be sent by the Court. If the matter is not resolved, the Truancy Officer shall contact the prosecuting attorneys office to request a complaint against the parent or guardian.

9. For children ages 11 to 16, if the child remains absent, and court intervention is sought, the Truancy Officer shall meet with Ruth Jones or her designee at the Midland County Probate Court/42nd Circuit Court – Family Division. A meeting will be held by her with the youth, parent or guardian, and Truancy Officer. The Truancy Officer shall contact Ruth Jones at 832-6890 to schedule the meeting. Notice for the meeting will be sent by the court. If the matter is not resolved, a petition will be filed by the Truancy Officer. A sample petition is attached.

Records and Support

10. The Midland County ESA will continue to provide support to the schools during these processes. The Truancy Officer shall provide a copy of all records to the ESA. This will assist the schools in tracking youth who move from one school to another.

Petition Instructions

11. Please see the attached sample petition. A copy of this petition in Word Format on disc is available.
12. When completing the petition, please check “Box 3” if you know of any cases involving the family. If you do not know, just state “unknown.”
13. At “line 5” please state the child’s county of residence and who the child lives with.

LETTER #1

(DATE)

Parent(s) Name(s)

Address

City, State, Zip

RE: LACK OF SCHOOL ATTENDANCE BY (CHILD'S NAME)

Dear Parent's Name(s):

Your child (Child's Name) has been repeatedly absent from school. As the Truancy Officer for (Name of School), I am required by law to have you come to school to discuss your child's lack of attendance. If we are unable to resolve the problem, I am required to report the matter to the Midland County Prosecuting Attorney. The Prosecuting Attorney then has the option of authorizing criminal charges against you, or a petition may be filed against you or your child in the Midland County Probate Court/42nd Circuit Court – Family Division.

Accordingly, it is necessary that you come to the following location at the time indicated so that you and the appropriate school officials can talk and resolve this matter.

(location and time of meeting)

If there are problems either in school or at home that are causing (Child's Name) to miss school it is important that you discuss them with us. That way we can work together to solve the problem. A child who receives a good education will have more success in the modern world. I am here to make sure that happens.

Very truly yours,

Truancy Officer
(Name of School)

LETTER #2

(Date)

Parent(s) Name(s)

Address

City, State, Zip

RE: LACK OF SCHOOL ATTENDANCE BY (CHILD'S NAME)

Dear Parent(s) Name(s):

Your child is not attending school on a regular basis.

Your child must be in school on the day after you receive this notice and continue to attend school on a regular basis.

I am required to turn this matter over to the Midland County Prosecutor's Office for whatever action they see fit to take if your child does not attend school. In addition, I may file a petition against your child with the Midland County Probate Court/42nd Circuit Court – Family Division.

Very truly yours,

Truancy Officer
(Name of School)

SCHOOL ATTENDANCE
AGREEMENT

On _____ I met with the Truancy Officer for my school. It was explained to me that it was very important for me to be in school, on time, every day.

I understand that if I do not go to school, my parents or myself may be brought to court.

I also agree to the following conditions:

By signing this agreement, I promise to be in school, on time, every day.

Date

Student

Date

Parent

Date

Parent

Date

Truancy Officer

ORI
MI-

Police agency report no.

CTN

SID

DOB

1. In the matter of _____
(name(s), alias(es))
2. The above named minor(s) come(s) within the provisions of MCL 712A.2.
Citations and allegations:

- This petition contains a reportable offense under _____.
- See attached sheet for further allegations. Member of or eligible for membership in American Indian Tribe or Band, state above.

3. An action within the jurisdiction of the family division of circuit court involving the family or family members of the minor has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and _____ remains _____ is no longer pending.

4. I designate this case as a case in which the juvenile is to be tried in the same manner as an adult.

5. The above named minor(s) is/(are) resident(s) of _____ county, and reside(s) in the care and custody of _____.

6. The names and addresses of the parents, guardians, custodians, or nearest known relative are as follows:

NAME	ADDRESS	HOME PHONE	WORK PHONE
Father Putative <input type="checkbox"/>			
Mother			
Guardian/Custodian/Nearest known relative			

7. I request the court to: (check either box a, b, or c)

- a. review the information and make an appropriate decision.
- b. authorize this petition and take temporary custody of the minor(s).
 terminate the mother's parental rights. terminate the father's parental rights.
- c. designate this case as a case in which the juvenile is to be tried in the same manner as an adult.

I declare that the statements in this petition are true to the best of my information, knowledge, and belief.

Petitioner's signature Date

301 West Main Street
Agency/Address

Print or type name

Midland, MI 48640 832-6890
City, state, and zip Telephone no.

8. A preliminary inquiry and/or hearing has been conducted and the filing of this petition is is not authorized.

Date

Judge/Referee Bar no.

Do not write below this line - For court use only