



## ***RHODE ISLAND FAMILY COURT ADMINISTRATIVE ORDER 2010-2***

### **RHODE ISLAND FAMILY COURT TRUANCY DIVERSION PROGRAM**

#### **Purpose**

The purpose of the Rhode Island Family Court Truancy calendar is to reduce truancy statewide. This Administrative Order reflects existing practice and directs the proceedings of the Truancy Diversion Program. The intent of this Diversion Program is to ensure that students not only attend school but also receive the rehabilitative services and educational services that will help to assure school attendance and academic success. The Truancy calendar is designed to provide a continuum of interventions and services to support families and children in order to keep children in school.

#### **Organization**

The Chief Judge of the Family Court, as administrative judge, will have primary responsibility for the calendar.

Magistrates will be assigned to this calendar by the Chief Judge. Magistrates have the authority to successfully effectuate the purposes of the Truancy calendar.

#### **Eligibility Guidelines**

1. Children involved in the program must be of school age pursuant to R.I. Gen. Laws §16-19-1.
2. Students who are charged with truancy will be referred to a truancy calendar after the Intake Department reviews said petitions.
3. Students assigned to this calendar shall not have any other petitions open at the time of assignment.
4. Family Court Associate Justices at their discretion may assign truancy petitions to the Truancy calendar.
5. If a student is charged with new offense(s) while being monitored on the truancy calendar, the truancy petition shall transfer along with the new petition(s) to an Associate Justice of the Family Court.

## Intake Guidelines for Truancy Petitions

1. All truancy petitions filed shall be reviewed by the Intake Department.

Pursuant to R. I. Gen. Laws § 8-10-22 and R. I. R. Juv. P. 3, all truancy petitions shall be referred to the RI Family Court Intake Department for a preliminary investigation. In matters where evidence and/or documentation are insufficient to bring a student within the jurisdiction of the court, the Intake Department will not authorize the petition. For cases that are sufficient to assert the court's jurisdiction, the Intake Department shall determine the most appropriate level of judicial action. This may include:

- Assignment of truancy petitions to an Intake worker for further investigation and monitoring;
- Assignment of cases to the Truancy calendar;
- Assignment of cases to the formal juvenile calendar.

As a guideline, the Chief Intake Supervisor may refer truancy cases to an Intake worker if the petition:

- Requires further investigation and monitoring at a preliminary level;
- Is not represented by a Truancy calendar location;
- Is represented by a Truancy calendar location, *but* the Truancy petition states less than 10 days of absences and/or the student has not regularly attended some public day school during all the days and hours that the public schools are in session where the child resides;
- Is filed during months the Truancy calendar is not in session; or
- Requires any other action at the discretion of the Chief Intake Supervisor.

The Intake Department may refer cases to the Truancy calendar if the petition:

- Is represented by a Truancy calendar location; and
- Has at least 10 days of absences and/or states that a student is habitually late or absent from school; and
- Has supporting documentation from the school department that the child has not regularly attended some public day school during all the days and hours that the public schools are in session in the city or town in which the child resides or willfully and habitually absents himself or herself from attending school.

2. Truancy petitions will be referred to the formal juvenile calendar if a student has any other pending petitions or active adjudications in his/her file.
3. If the Intake Department determines a petition is suitable for the Truancy calendar, the following steps will be followed:
  - The Petition will be assigned to the appropriate school location;
  - A written notice shall be sent to the parent/guardian explaining that the student has been referred to the Family Court on a wayward status offense of truancy and the student has been pre-screened to enter the Truancy Diversion Program. The parent/guardian will be informed that she/he has the opportunity to provide valid excuses for absences, if any, at the hearing.
  - The notice will briefly explain the Diversion calendar and set the location, time and date of the hearing before a Magistrate.
  - If the student or parent does not appear at the Truancy calendar, a summons may be issued for the child and parent/guardian to appear.

### **Truancy Calendar Procedures**

After a truancy petition has been assigned to the Truancy calendar, the Magistrate will read the truancy petition and will explain the Rhode Island compulsory school attendance laws as well as the requirements of the Truancy Diversion Program consistent with the document entitled Participant Guidelines. The Magistrate also will explain the child's right to trial as well as the option for the Truancy Diversion Program consistent with the form entitled Participant's Forum Choice. The Magistrate will explain the Release of Confidential Information to the child and parent/guardian.

If a student and parent choose to stay in the Truancy program, they will sign the Truancy Diversion Program forms: Participant Guidelines, Participant's Forum Choice, and Release of Confidential Information. If the student and parent/guardian do not *each* agree to participate in the Truancy Diversion Program, the case will be referred to the formal juvenile calendar. The

parent/guardian and student will be advised that they have the right to hire an attorney for the child at any time during the Truancy Diversion Program or, if they cannot afford an attorney, the case will be scheduled on the formal juvenile calendar in the county where the student resides. If a parent/guardian is financially unable to engage counsel, the student may be referred to the services of the public defender or court appointed counsel.

Magistrates will assess the need for interpreters taking into account the participant's desire for such services and ensure that interpreters be provided for each Court session if necessary. This may include referring a case to the formal juvenile calendar.

After a Magistrate finds that a student has substantially complied with the requirements of the Truancy Diversion Program, the Magistrate may dismiss the truancy petition. If the Magistrate finds that the student has not substantially complied with the requirements of the program, the case may be referred to the formal juvenile calendar in the county where the child resides for arraignment before a Judge. The Magistrates may refer truancy petitions to the formal juvenile calendar if it is clear that the student will not comply with the requirements of the Truancy Diversion Program, or at any time if the child or parent/guardian of a child makes a transfer request of the Court.

In order to review a student's progress with the program requirements, the Truancy Diversion Program may convene as needed. The student and his or her parent/guardian may attend sessions as mandated by the Magistrate. Incentives and positive reinforcement will be given to the student for good behavior and consequences will be given for non-compliance. Magistrates may use the services of the Department of Children, Youth and Families if necessary. The Magistrates of the Truancy Diversion Program may review truancy cases for one year and may only extend said monitoring for just cause.

All Truancy Diversion Program hearings will be recorded.

9-10-10

Date

Haganush R. Bedrosian  
Acting Chief Judge