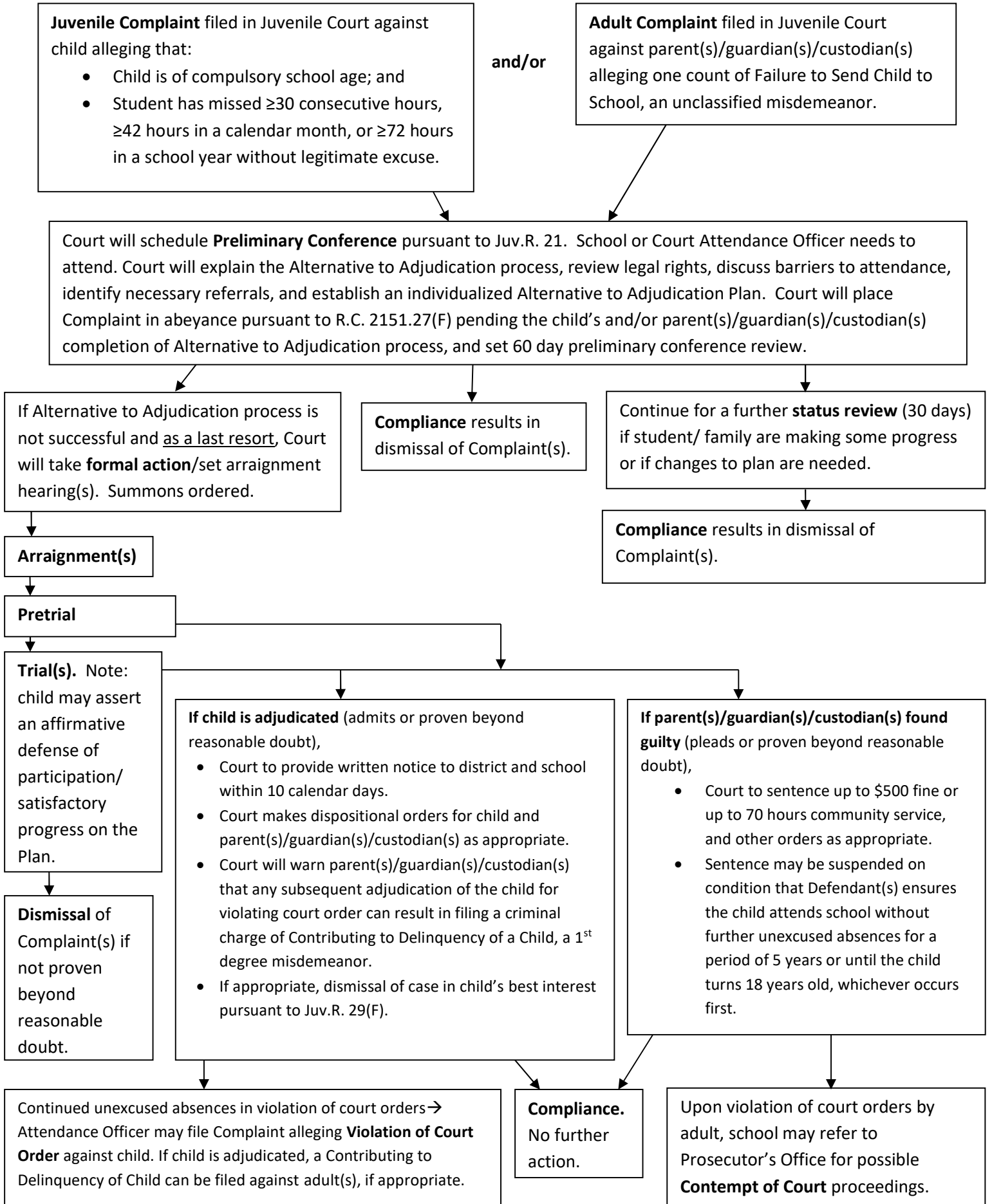


2018 Ohio Truancy Law Flowchart: Habitual Truant-Formal Action on Complaint
 Courtesy of Lorain County Domestic Relations Court-Juvenile Division



Juvenile Complaint filed in Juvenile Court against child alleging that:

- Child is of compulsory school age; and
- Student has missed ≥30 consecutive hours, ≥42 hours in a calendar month, or ≥72 hours in a school year without legitimate excuse.

Adult Complaint filed in Juvenile Court against parent(s)/guardian(s)/custodian(s) alleging one count of Failure to Send Child to School, an unclassified misdemeanor.

and/or

Court will schedule **Preliminary Conference** pursuant to Juv.R. 21. School or Court Attendance Officer needs to attend. Court will explain the Alternative to Adjudication process, review legal rights, discuss barriers to attendance, identify necessary referrals, and establish an individualized Alternative to Adjudication Plan. Court will place Complaint in abeyance pursuant to R.C. 2151.27(F) pending the child's and/or parent(s)/guardian(s)/custodian(s) completion of Alternative to Adjudication process, and set 60 day preliminary conference review.

If Alternative to Adjudication process is not successful and as a last resort, Court will take **formal action**/set arraignment hearing(s). Summons ordered.

Compliance results in dismissal of Complaint(s).

Continue for a further **status review** (30 days) if student/ family are making some progress or if changes to plan are needed.

Compliance results in dismissal of Complaint(s).

Arraignment(s)

Pretrial

Trial(s). Note: child may assert an affirmative defense of participation/satisfactory progress on the Plan.

Dismissal of Complaint(s) if not proven beyond reasonable doubt.

If child is adjudicated (admits or proven beyond reasonable doubt),

- Court to provide written notice to district and school within 10 calendar days.
- Court makes dispositional orders for child and parent(s)/guardian(s)/custodian(s) as appropriate.
- Court will warn parent(s)/guardian(s)/custodian(s) that any subsequent adjudication of the child for violating court order can result in filing a criminal charge of Contributing to Delinquency of a Child, a 1st degree misdemeanor.
- If appropriate, dismissal of case in child's best interest pursuant to Juv.R. 29(F).

If parent(s)/guardian(s)/custodian(s) found guilty (pleads or proven beyond reasonable doubt),

- Court to sentence up to \$500 fine or up to 70 hours community service, and other orders as appropriate.
- Sentence may be suspended on condition that Defendant(s) ensures the child attends school without further unexcused absences for a period of 5 years or until the child turns 18 years old, whichever occurs first.

Continued unexcused absences in violation of court orders → Attendance Officer may file Complaint alleging **Violation of Court Order** against child. If child is adjudicated, a Contributing to Delinquency of Child can be filed against adult(s), if appropriate.

Compliance. No further action.

Upon violation of court orders by adult, school may refer to Prosecutor's Office for possible **Contempt of Court** proceedings.

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Examples of possible referrals/services at Preliminary Conference Stage:

- ProKids/family counseling
- Mental health counseling
- Psychological evaluation
- Medical evaluation/treatment
- Change of educational program/alternative school/GED
- Secure medical excuses
- Community service
- Mentoring
- Extracurricular activities
- Establish house rules/consequences for unexcused absences
- Parenting programs as appropriate

Examples of possible dispositional orders/sentencing:

- For child's case—order child to not be absent without legitimate excuse from school for ≥ 30 consecutive hours, ≥ 42 hours in one school month, or ≥ 72 hours in a school year, order requiring the child to participate in a truancy prevention mediation program (R.C. 2151.354(C)(1)(e)), LCCS/custody changes, community control sanctions, community service ≤ 175 hours, ODL suspension/restriction, mental health/substance abuse/medical treatment, require child to participate in any academic or community service program. If Court determines parent(s)/guardian(s)/custodian(s) failed to send child to school, the Court will warn parent(s), guardian(s)/custodian(s) that any subsequent adjudication of the child as an unruly or delinquency child for truancy may result in a criminal charge of contributing to the delinquency of a child against the parent(s)/guardian(s)/custodian(s) (R.C. 2919.24).
- For parent(s)/guardian(s)/custodian(s)' case—fine of up to \$500 or require parent(s)/guardian(s)/custodian(s) to participate in community service program (≤ 70 hours), preferably that requires the involvement of parent(s)/guardian(s)/custodian(s) in child's school; require parent(s)/guardian(s)/custodian(s) to participate in truancy prevention mediation program.