NAVIGATING TRUANCY LAW

Presented By:

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Lorain County Domestic Relations Court

Lorain County Domestic Relations Court

- Lorain County Domestic Relations Court:
  - **Domestic Relations Division**:
    - Dissolution; Divorce; Legal Separation; Domestic Violence Protection Orders; Custody; Visitation; Child Support
  - **Juvenile Division**:
    - Juvenile Delinquency, Traffic, Unruly (includes Truancy); Juvenile Protection Orders; Child Abuse, Neglect, Dependency Cases; Custody; Visitation; Support
- Judges:
  - Administrative Judge Frank J. Janik
  - Judge Lisa I. Swenski
  - Judge Sherry L. Glass
- Truancy Magistrate: Michelle Bogle

Truancy: Overview of the Law

Definitions until September 30, 2025

- Any child of compulsory school age who is absent from the public school the child is supposed to attend for:

	Chronic Absenteeism*	Excessive Absenteeism	Habitual Truant
School Year	10% or 92 hours in a **school year with or without** a legitimate excuse	65 hours in a **school year with or without** a legitimate excuse	72 hours in a **school year without** a legitimate excuse
School Month		38 hours in a **school month with or without** a legitimate excuse	42 hours in a **school month without** a legitimate excuse
Consecutive			30 **consecutive** hours **without** a legitimate excuse

* Chronic Absenteeism is not defined in the ORC, but is used to determine a school's chronic absence rate on the Ohio Report Card

Chronic Absenteeism & Changes in the Law

Definitions beginning September 30, 2025

- Any child of compulsory school age who is absent from the public school the child is supposed to attend for:

	Parental Notification	Chronic Absenteeism	Habitual Truant
School Year	Less than 5% in a **school year** **with or without** a legitimate excuse	10% in a **school year** **with or without** a legitimate excuse	72 hours in a **school year** **without** a legitimate excuse
School Month			42 hours in a **school month** **without** a legitimate excuse
Consecutive			30 **consecutive** hours **without** a legitimate excuse

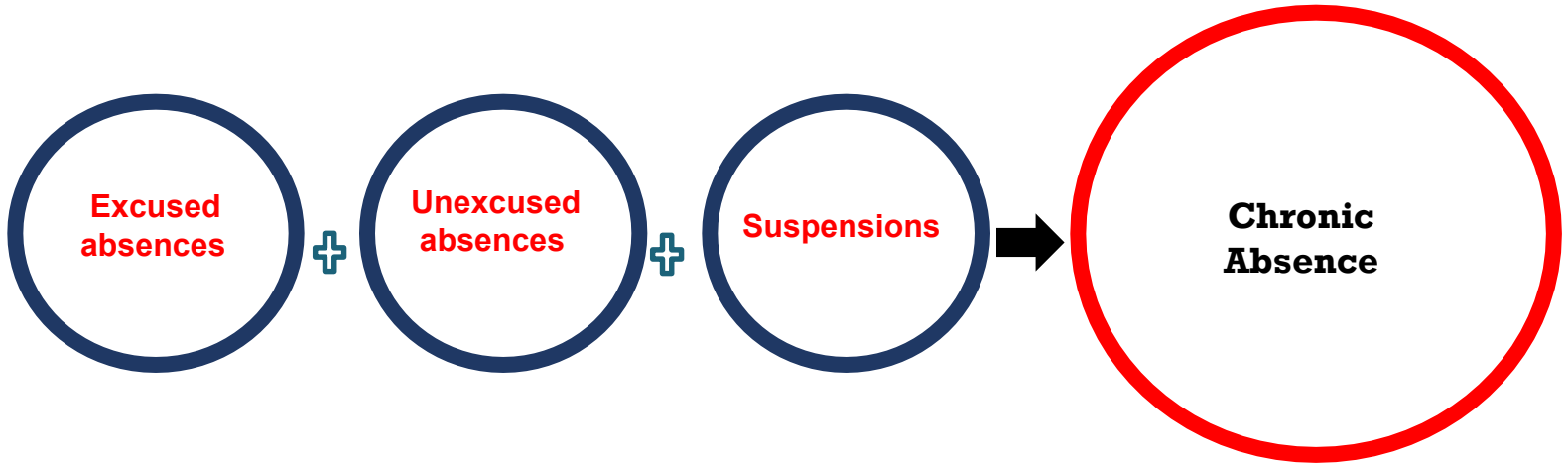
Changes to Legal Definitions

REMOVED Excessively Absent

REMOVED requirement to notify the parents when the excessively absent threshold is met.

ADDED: Chronically Absent

Chronically absent is defined as missing at least 10% of the minimum number of hours required in the school year.



Requirements Under the New Law:

- No later than August 1, 2026, the board of education for each school district **shall** adopt a policy to address student absences.

- In developing the policy, the board **shall** consult with:
  - ✓ Juvenile court of the county or counties in which the district is located;
  - ✓ Parents, guardians, or other persons having care of a student attending school in the district; **and**
  - ✓ Appropriate state and local agencies

The School Board's Policy must:

Acknowledge student absences from school for any reason has an adverse effect on student learning

Identify strategies to prevent students from becoming chronically absent

Include a procedure for notifying a student's parent/guardian when the student has been absent for a number of hours determined by the Board

*no later than the student missing approximately 5% of the minimum hours

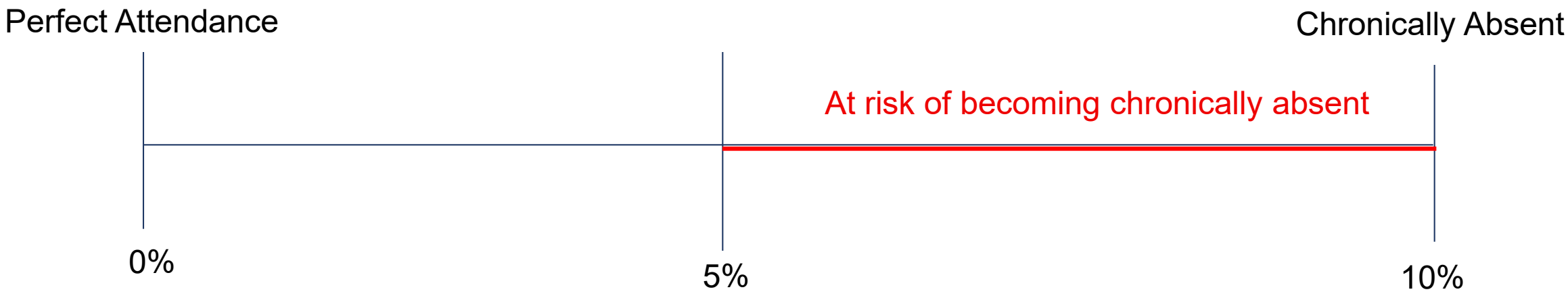
Establish a tiered system with more intensive interventions and supports for students. It should include resources to help students and families address the root causes of absences

Provide one or more absence intervention teams to work with **students at risk of becoming chronically absent**

Prohibit suspending, expelling, or otherwise preventing a student from attending school based upon the student's absences

Practical Applications of the New Law

- Schools still need to notify parents when the less than 5% threshold is met, whether the absences are excused or unexcused; however, each threshold is individual to the school
  - 5% of minimum school hours is approximately 45-50 hours or 7.5-8.5 School days
- Focus shifts from those missing school without a legitimate excuse to **those at risk of becoming chronically absent, with or without a legitimate excuse**
  - Each school district determines the criteria for “at risk”
  - Generally, will be those that have between 5% - 10% absence rate



Reducing chronic absence requires addressing a variety of challenges:

Barriers

- Chronic and acute illness
- Family responsibilities or home situation
- Trauma
- Poor transportation
- Housing and food insecurity
- Inequitable access to needed services
- System involvement
- Lack of predictable schedules for learning
- Lack of access to tech
- Community violence
- Etc. and many more!

Aversion

- Struggling academically and/or behaviorally
- Unwelcoming school climate
- Social and peer challenges
- Anxiety
- Biased disciplinary and suspension practices
- Undiagnosed disability and/or disability accommodations
- Parents had negative educational experiences

Disengagement

- Lack of challenging, culturally responsive instruction
- Bored
- No meaningful relationships to adults in the school
- Lack of enrichment opportunities
- Lack of academic and behavioral support
- Failure to earn credits
- Drawn to low-wage job vs. being in high school

Misconceptions

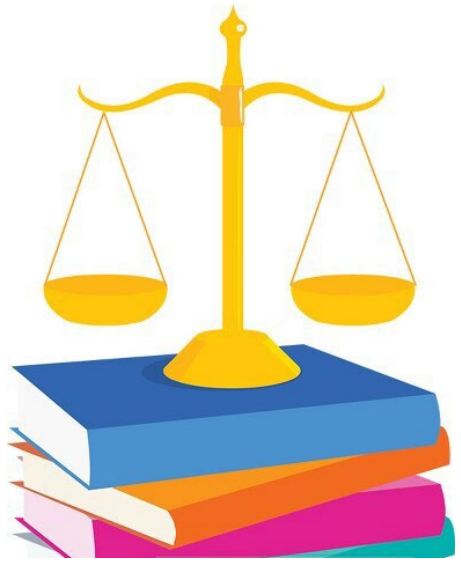
- Absences are only a problem if they are unexcused
- Missing 2 days per month doesn't affect learning
- Lose track and underestimate TOTAL absences
- Sporadic absences aren't a problem
- Attendance only matters in the older grades
- Suspensions don't count as absence

Tiered System of Interventions & Supports

- Broader system of interventions for all absences not just unexcused
- Focus is on the root causes of absence – meant to be **Proactive** instead of **Reactive**
- Absence Intervention Plans can still be used, but they are used earlier and for all absences
- Examples:
  - AIPs
  - Alternative educational programs
  - Academic supports
  - Mentors
  - Referral to Children Services
  - Juvenile Court Diversion Programs

Requirements to Consult with Juvenile Court

- When creating policies and a tiered system, the law requires schools to consult with Juvenile Court
- Lorain County Juvenile Court recommends including a referral to the Lorain County Assessment & Resource Center in the tiered approach
  - Elyria City Schools Tier System

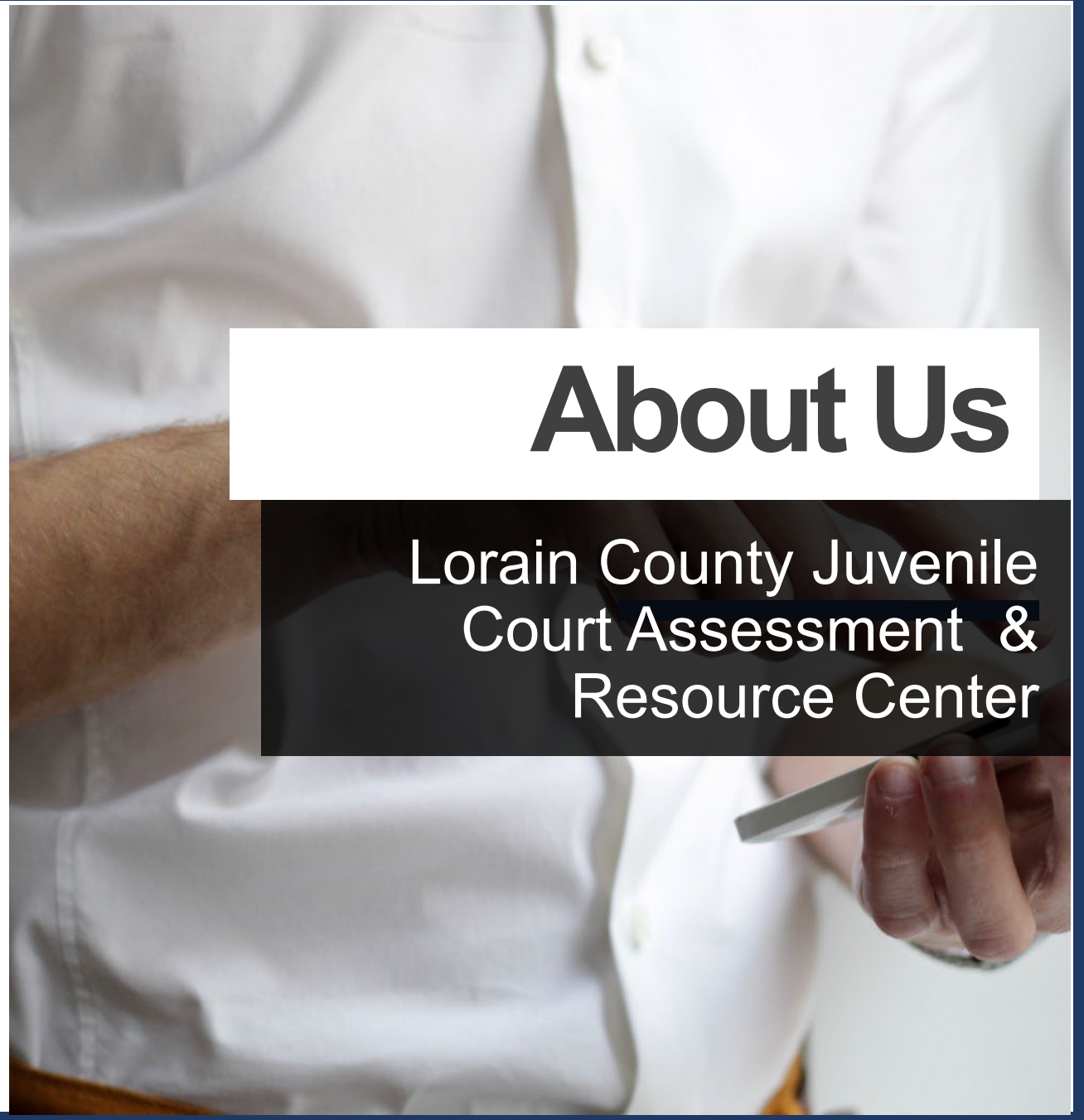


About Us

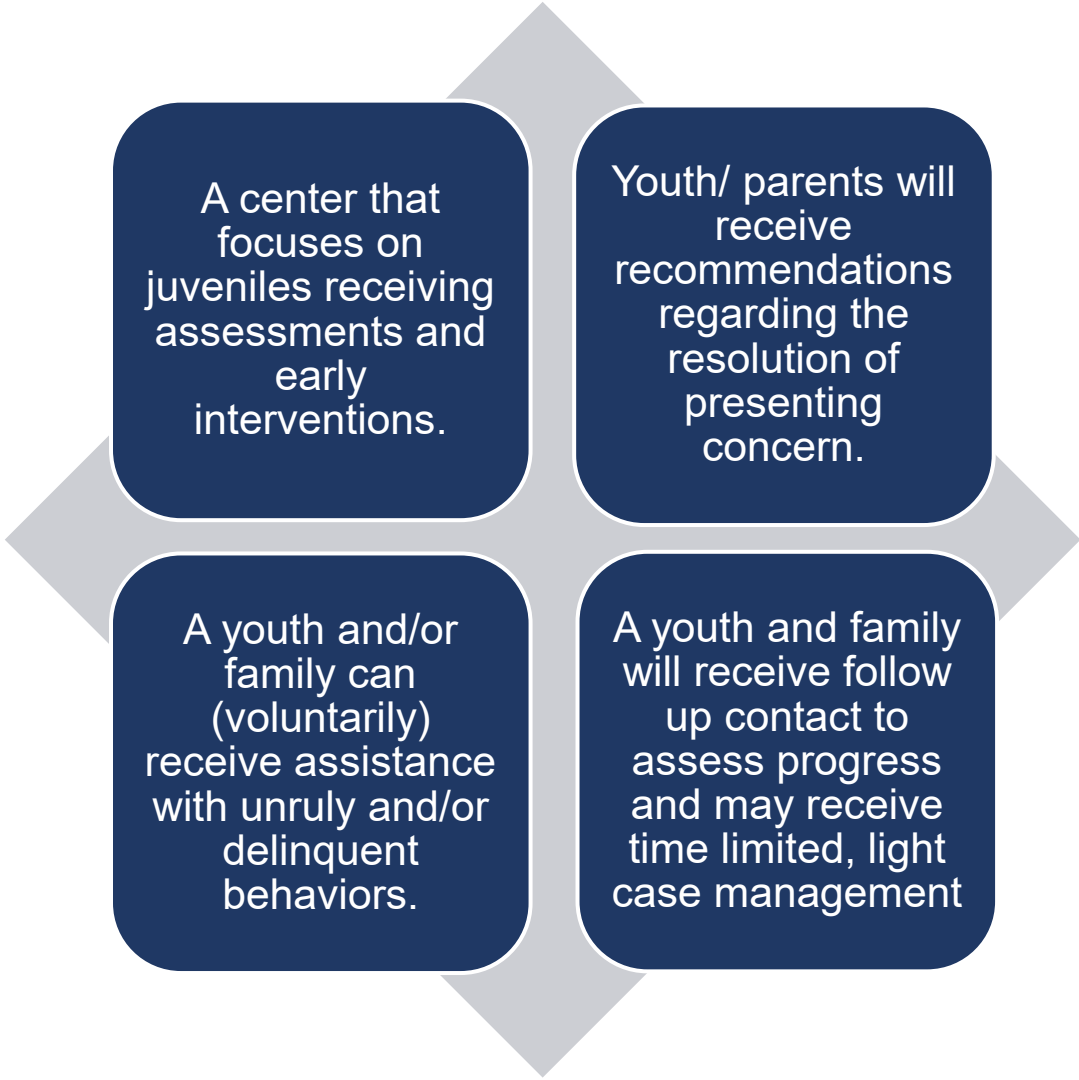
Lorain County Juvenile Court Assessment & Resource Center

Mission Statement

The Assessment Center believes that investing in the youth and families of Lorain County is essential. The Center is dedicated to providing the best resources and community support available to divert youth, when appropriate, from entering or becoming further involved in the juvenile court system.



Highlights of the Lorain County Juvenile Court Assessment and Resource Center



Assessment Center Tracks

- Caution Track
- Fast Track
- Assessment Track
- Diversion Track
- Alternative to Adjudication (A2A)





Turning Point Shelter

Turning Point Shelter is a non-secure, short-term facility for youth facing crisis or emergency situations. Our goal is to provide a safe and supportive environment, while helping return youth to their home without the need for further Court involvement.

Placement Criteria

- Ages 13-17
- Resident of Lorain County
- Max. stay of 13 days
- **Must** be approved by parent/custodian

Services & Support

- 24-hour supervision by trained staff
- Full-time social worker and medical staff
- Academic support by a Licensed Teacher

Referrals

- Agencies contact the Court to request placement
- Each request is individually assessed
- Law Enforcement, LCCS, Applewood, Licensed Counselors or Therapists, or Court can request placement



LEGAL PROCESS

The statutory process begins the first time a student is absent.

STEP 1: School must notify a student's parent, guardian, or custodian when the student has been absent from school for a number of hours determined by the school board.

Old Law	New Law	Practical Changes
Notification had to be in writing	School District determines proper notification	Notification to parents/custodian/guardian must be made earlier School Districts control how and when notification is completed
Letter had to be sent within 7 calendar days	School District will determine when notification must be made	
Notification had to be made when threshold was met: • 38 Hours or more in school month; or • 65 Hours or more in a school year	Notification threshold is determined by school board, but must be made **before** the student misses 5% or more of school	

STEP 2: Once any of the three Habitual Truancy thresholds are reached, a Complaint ***shall*** be filed, unless the family and student are making satisfactory progress in improving the student's attendance.

Habitual Truancy threshold is reached when a student is absent, **without** a legitimate excuse, for 30 consecutive hours; 42 hours in a month; or 72 hours in a year

Old Law	New Law	Practical Changes
Complaint filed 60 days *after* truancy threshold	Complaint filed when truancy threshold is reached	Complaints can be filed much sooner Complaints can be filed even if the family initially improves attendance Complaint is filed against the parent as well
Exception to filing was if the family made satisfactory progress on the Absence Intervention Plan	Exception to filing is if the student and the student's family are making satisfactory progress in improving the student's attendance at school	
Decision on satisfactory progress is made on the 60th day	If the student and the student's family cease to continue progress, a Complaint shall be filed	
Complaint is filed against the child solely	Complaint is filed against Child AND parent/guardian	

Choosing which Complaint to File

	Juvenile Only Complaint	Adult Only Complaint	Juvenile & Adult Complaint
New Law	Generally, not permissible Permissible only if after a Complaint is filed against the Adult, the parent shows an inability to cause the child to attend school, and the parent is "discharged" from responsibility.	Permissible	Permissible unless there is Court finding that the parent is discharged from the proceedings
Old Law	Permissible	Never Permissible	Required if officer wanted to file a Complaint against the Adult

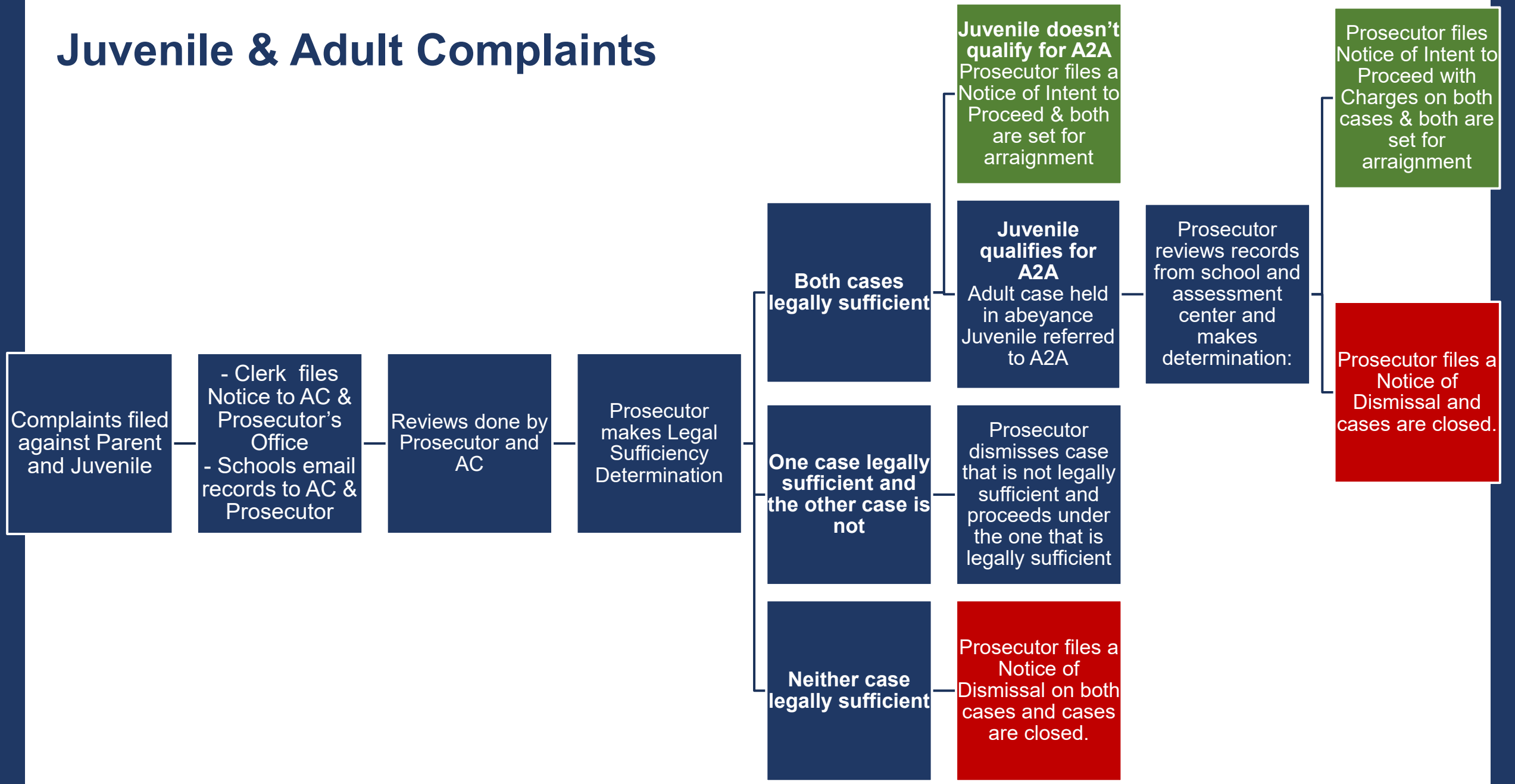
COURT PROCESS FOR TRUANCY CASES IN LORAIN COUNTY JUVENILE COURT

An overview of cases will be processed in Lorain County Juvenile Court. This information is specific to Lorain County.

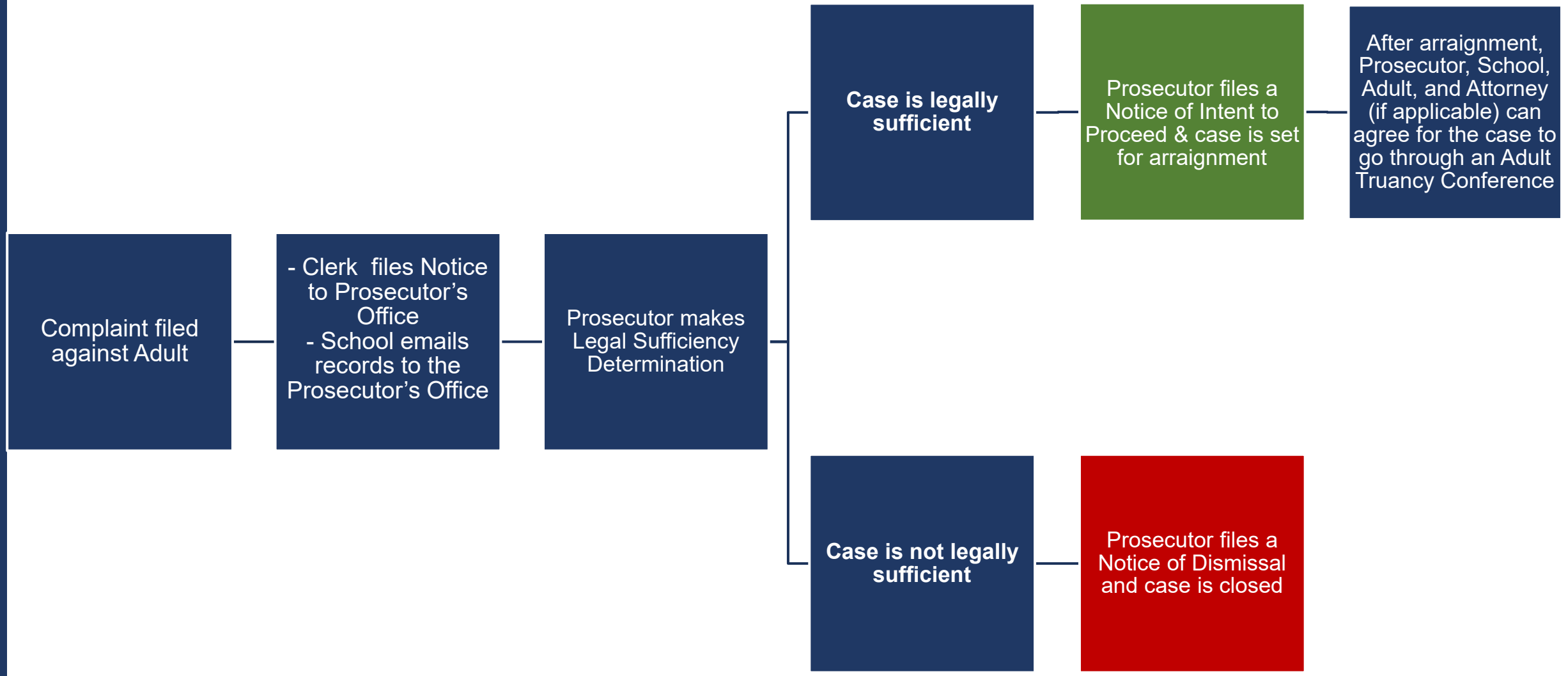
Commonly used Words / Phrases

- **Abeyance:** A temporary suspension of a proceeding, while awaiting the resolution of another proceeding.
- **Alterative to Adjudication (A2A)**: Juvenile Diversion process for truancy cases. Juvenile Diversion is the redirection of youth from formal court action and using other resources to improve situations brought to the attention of the Court.
  - Juvenile Court is required to offer an A2A program under the law.
- **Legal Sufficiency**: A determination that the Complaint and accompanying documentation complies with statutory requirements as set forth in Ohio Revised Code.
- **Notice of Intent to Proceed**: A legal document filed by the Prosecutor's Office after the Prosecutor has determined that the case is legally sufficient. Schools will receive a copy of the Notice.
- **Notice of Dismissal**: A legal document filed by the Prosecutor's Office after the Prosecutor has determined that the case is legally insufficient for any reason. Schools will receive a copy of the Notice.
- **Arraignment:** First step in a criminal proceeding wherein someone is brought in front of the Court to hear the charges filed against the person.

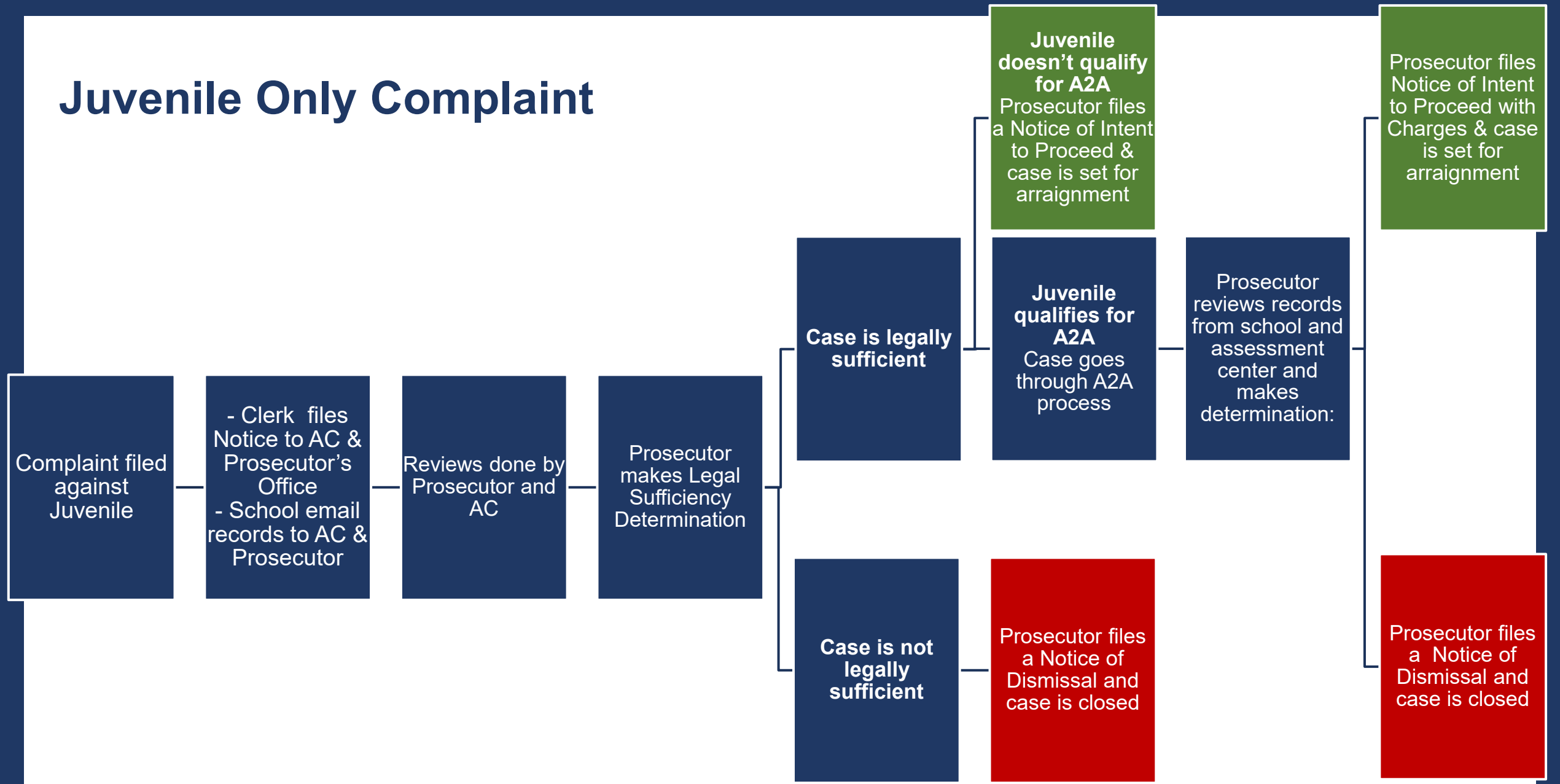
Juvenile & Adult Complaints



Adult Only Complaint



Juvenile Only Complaint



Truancy Complaint Basics



WHAT IS A COMPLAINT?



WHO FILES THE COMPLAINT?



WHEN IS THE COMPLAINT FILED?



WHERE IS THE COMPLAINT FILED?

STEP 1: Schools e-file Complaint(s) and receive notice of acceptance.

- **Complaint against Juvenile Only:** E-file against the Juvenile only if Adult case dismissed
- **Complaint against Adult Only:** E-file against the Adult
- **Complaint against Juvenile & Adult:** E-file two separate complaints, but mark the Joint Complaint box
- Juvenile Clerk will send a Notice to the Prosecutor's Office and Assessment Center that the Complaint was accepted.
- Fillable PDF of the Juvenile Complaint and Adult Complaint can be found on the Court's website:
  - www.lcdrc.org/truancy2

STEP 2: School must send the Complaint Checklist and documentation to the Prosecutor and Assessment Center

- Complaint Checklist and requested documentation can be found at the Court's website (www.lcdrc.org/truancy2) or through the Prosecutor's Office

- Email the Complaint Checklist and documentation to:
  - Prosecutor's Office: matthew.pamer@lcprosecutor.org ; jennifer.ferrebee@lcprosecutor.org
  - Assessment Center: assessment.center@lcfct.org

WARNING



*If you do not provide the Complaint Checklist and necessary documentation within **1 week** after the Complaint is e-filed, then the Prosecutor will file a Notice of Dismissal and the **case will be closed.***

STEP 3: Assessment Center and Prosecutor's Office independently reviews the documentation.

Juvenile Cases Criteria for A2A:

- If it is the first A2A referral or if there has not been a new referral within the previous 12 months, juvenile qualifies for A2A

- If Juvenile has been referred to A2A in the previous 12 months, the Assessment Center reviews past involvement and reason for new involvement
  - **New Barriers**: Case will be accepted to A2A
  - **Same Barriers**: Case will not be accepted to A2A

Prosecutor's Office Review for Legal Sufficiency

Includes a review of:

- The filed Complaint(s)
- The Checklist and accompanying documentation

If any of the errors can be fixed, the Prosecutor's Office will reach out to the school representative and an amended Complaint may be filed.

NOTE: *If the juvenile qualifies for A2A, the Assessment Center will start working with the family while the Prosecutor completes its review.*

There are **3** ways the cases will be handled in Step 4 depending solely on the type of case filed:

1. **Juvenile Only Complaints**

2. Adult Only Complaints

3. Adult & Juvenile Complaints

Quick Note about the Step 4 Slides

STEP 4: Juvenile Only Complaints:

Prosecutor completes review, and **one of three** paths will be followed for **Juvenile Only Complaints**

If the case is:

Legally Insufficient

Prosecutor will file a Notice of Dismissal, and the case will be closed.

The juvenile and family can continue to work with the Assessment Center on a voluntary basis.

end at this step

Legally Sufficient but Juv. Doesn't Qualify for A2A

Prosecutor will file a Notice of Intent to Proceed with Charges

The case will go through the formal court process, and an arraignment date will be set.

**go to step 7*

Legally Sufficient and Juv. Qualifies for A2A

Prosecutor will file a Notice of Intent to Proceed with Charges after A2A

The case will continue through the A2A process.

STEP 4: Adult Complaints:

Adult case: Prosecutor will file notice **on one of the following**:

- Proceeding with Formal Charges for **legally sufficient** cases **go to step 7*
- Dismissal, and case will be closed for **legally insufficient cases** **end at this step*

STEP 4: Adult & Juvenile Complaints:

Prosecutor completes review, and one of the following will occur for **Adult & Juvenile Complaints**

- **Both cases legally insufficient:** Prosecutor files Notice of Dismissal and both cases are closed. ***end at this step***
- **One case is legally insufficient:** Prosecutor files Notice of Dismissal on the legally insufficient case, and the other case will proceed based upon the case type (Juvenile only vs. Adult)
- **Both cases are legally sufficient:**
  - **Juvenile Case:** Prosecutor files a Notice of Intent to Proceed with Charges, and:
    - If Juvenile qualifies for A2A, the case will continue with the A2A process. ***go to step 5***
    - If Juvenile does not qualify for A2A, then the case will proceed to formal charges. ***go to step 7***
  - **Adult Case:** Prosecutor files Notice of Intent to Proceed with Charges but will hold the Adult case in abeyance until the Juvenile case goes through the A2A process.

STEP 5: The family will continue to work with the Court's Diversion Services on the A2A case.

- During the A2A process, Assessment Center staff will do the following:
  - Administer screening assessments
  - Complete a Psycho-Social Assessment
  - Identify strengths and needs
  - Develop a Success Plan
  - Link the Youth and/or Family to Services
  - Continue light case management
    - School staff are encouraged to reach out to the Assessment Center for updates
    - The Assessment Center will reach out to the school for an updated attendance report
- After A2A is completed, a general report of what occurred during A2A will be sent to the Prosecutor for review.

STEP 6: After the Prosecutor reviews the information from the Assessment Center and the school, **one of the two will occur:**



Prosecutor will file a Notice of Dismissal, and the case will be closed.



Prosecutor will file a Notice of Intent to Proceed with Charges, and the case is set for arraignment.

STEP 7: Arraignment hearing with the magistrate.

- At the **arraignment hearing**, the following will occur so long as the Juvenile and/or Adult appears:
  - Juvenile and/or Adult will be notified of all their legal rights
    - Juvenile and adult are entitled to court appointed counsel in the JU case.
    - Adults do not have the right to court appointed counsel in a JE case but can hire private counsel.
    - School staff are notified of the arraignment hearing and are encouraged to attend the hearing.
- After the **arraignment hearing**, other hearings may occur:
  - Pretrial/Status Hearings
  - Adjudicatory / Dispositional Hearings

Adult Truancy Conferences

An Adult Truancy Conference is the diversion alternative for cases on adults.

Adult Truancy Conferences are available when the only pending Complaint is one against an adult.

At any time after the arraignment in adult cases, **the Prosecutor's Office and all other parties may agree to hold the case in abeyance and refer the case to the Assessment Center for an Adult Truancy Conference.**

Next Steps



Prosecutor’s office update checklist & complaint



Lorain County Domestic Relations Court update documents on the website



County Local School Districts: School liaison committee meeting- October/November 2025



Mid-year follow up (January/February)



School district contact with Lorain County Juvenile Court



School district update Board Policy by August 1, 2026

Do you have questions? They have answers!

Subject	Person	Position	Contact Information
General Court Questions	Emily Kirsch	Court Administrator	Emily.Kirsch@lcfct.org
General Court Questions	Donna Rivera	Deputy Chief Probation Officer	Donna.Rivera@lcfct.org
E-Filing & Clerk's Office	Erika Sugarman	Chief Deputy Clerk	Erika.Sugarman@lcfct.org
Assessment Center	Jen Kerns	Diversion Coordinator	Jen.Kerns@lcfct.org
Case Status / Case Outcome	Matthew Pamer	Assistant Prosecuting Attorney	Matthew.Pamer@lcprosecutor.org



Lorain County Domestic Relations Court website

http://www.lcdrc.org/truancy2