



FLORIDA DEPARTMENT OF
EDUCATION
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DELINQUENCY PREVENTION THROUGH TRUANCY INTERVENTION

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DELINQUENCY AND STATUS OFFENSE PREVENTION

- The Florida Department of Juvenile Justice (DJJ) is charged with delinquency and status offense prevention. (s. 20.316, F.S.)
- “Status offender” is a child that engages in behavior that would not violate the law if committed by an adult. Examples include: running away from home, failing to attend school, smoking or drinking alcohol under age.

“Truancy is a stepping stone to delinquent and criminal activity. A report compiled by the Los Angeles County Office of Education on factors contributing to juvenile delinquency concluded that **chronic absenteeism is the most powerful predictor of delinquent behavior.”**

-Eileen M. Garry, *Truancy: First Step to a Lifetime of Problems*, Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, October 1996 (citing to B. Shuster, “L.A. School Truancy Exacts a Growing Social Price,” *Los Angeles Times*, June, 28, 1995, sec. A, p.12.)



Excused and Unexcused Absences

District school boards are required to define excused and unexcused absences according to criteria established by the district school board.
(ss. 1003.21, 1003.24 and 1003.26, F.S.)

Schools must excuse absences for certain reasons including:

Illness, injury or
another
“insurmountable”
condition

Religious
instruction and
holidays

Receiving services
related to autism
spectrum
disorder

Enforcing School Attendance

School districts are responsible to take an active role in promoting and enforcing attendance as a means of improving student performance.

Parent of a child within the compulsory attendance age is responsible for the child's school attendance, except under any of the following conditions:

- Absence was permitted by the head of the school
- Absence was without the parent's knowledge, consent or connivance
- Parent was unable to financially provide necessary clothes for the student
- Sickness, injury or other insurmountable condition.

Procedures for Addressing Unexcused Absences (UA)

Principal or designee must contact parent for every UA.

Principal or designee must give the student an opportunity to make up assigned work within a reasonable time period if absences are excused.

Primary teacher reports to school principal or designee that the student may be exhibiting a pattern of nonattendance (5 UA in 30 days or 10 UA in 90 days).

Principal refers case to the school's child study team for determination of whether student is developing early patterns of nonattendance, if absences are unexcused.

Child study team (CST) convenes parent meeting to address pattern of truancy (whether absences are excused or unexcused).

Principal notifies the district school superintendent and school district home education contact of the student's nonattendance if CST determines a pattern of nonattendance is developing (whether absences are excused or unexcused).

Child Study Team Responsibilities for School Nonattendance Intervention

1. Meet with the student's parents to identify potential remedies for nonattendance.
2. If initial meeting does not resolve nonattendance, CST must:
 - ✓ Make frequent attempts to engage family and teacher in communication.
 - ✓ Evaluate student for alternative education programs.
 - ✓ Establish attendance contract with student.
 - ✓ Diligently facilitate intervention services.
 - ✓ Report case to district school superintendent when all reasonable efforts to resolve nonattendance have been exhausted.

Intervention Strategies

Recommended interventions by CST to address truancy may include:

Learning
environment
changes

Mentoring and
school counseling
services

Tutoring, including
peer tutoring

Placement into a
different class

Exploration of
educational options

Referral to other
agencies for family
services

Follow-up parent
and teacher
conferences

Referral to school
nurse

Recommend filing a
truancy petition
pursuant to s.
984.151, F.S.

School District Action for Nonattendance

- The **parent** may:
 - Appeal to district school board if the parent believes the CST strategies are unnecessary or inappropriate and parent refuses to participate in the remedial strategies.
 - Refer the case to the Case Staffing Committee pursuant to s. 984.12, F.S., if the child refuses to comply with school attendance.
- If parent appeals, **district school board** may:
 - Provide a hearing officer, who must make a recommendation for final action to the district school board.
 - Make a final determination if the CST strategies are appropriate.

School District Superintendent Action for Nonattendance

- The **school district superintendent** (or designee) may:
 - Seek criminal prosecution for noncompliance with compulsory school attendance if the parent refuses to participate or cooperate with remedial strategies. [See also requirement under s. 1003.27(2), F.S.]
 - File a truancy petition pursuant to s. 984.151, F.S.
- The **school district superintendent** (or designee) must:
 - Refer the case to the Case Staffing Committee pursuant to s. 984.12, F.S., if all reasonable efforts have been made by the school to address the child's nonattendance.

School District Superintendent Action for Nonenrollment

- The **school district superintendent** (or designee) must:
 - Give written notice to the parent requiring the student's enrollment or attendance in school within 3 days after the date of the notice. Notice must be provided in person or via return-receipt mail.
- The **school district superintendent** (or designee) may:
 - Refer the case to the child study team at the school the student would be assigned to, or to the case staffing committee. The child study team will diligently facilitate intervention services and report back to the district school superintendent when all reasonable efforts to resolve the nonenrollment have been exhausted.
- The **school district superintendent** (or designee) must:
 - Take necessary steps to bring criminal prosecution against the parent if the parent refuses to cooperate or enroll the student in school.

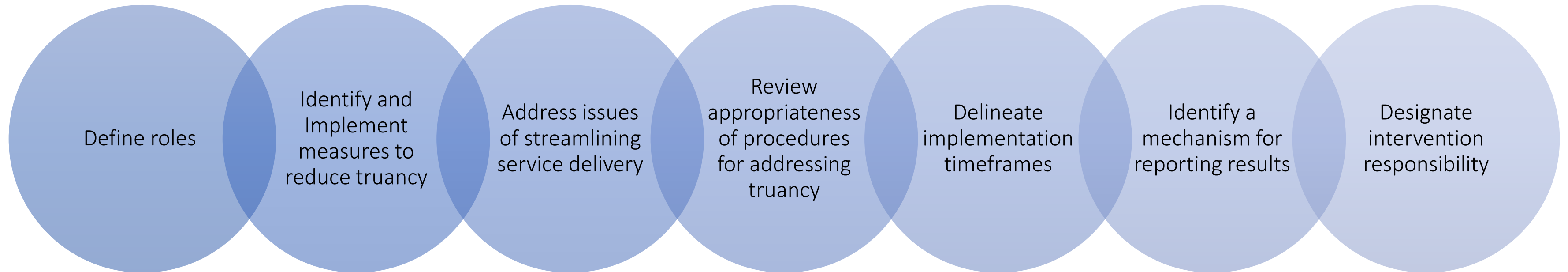
Student Nonattendance Data

Age	2017-18		2018-19		2019-20		2020-21		2021-22	
	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More
Total	11.3%	20.4%	11.3%	20.0%	9.8%	16.6%	16.6%	25.1%	20.9%	32.3%
10 or Younger	8.7%	17.7%	8.9%	17.5%	8.5%	15.1%	13.9%	23.0%	17.9%	29.6%
11 to 13	9.0%	17.0%	8.8%	16.4%	7.1%	13.0%	14.9%	22.6%	17.8%	28.5%
14	11.0%	19.7%	10.9%	19.2%	8.9%	15.5%	17.8%	25.8%	20.9%	32.0%
15	13.6%	23.1%	13.4%	22.6%	11.0%	18.5%	19.8%	28.0%	24.4%	36.0%
16	16.5%	26.8%	16.4%	26.5%	13.1%	21.3%	21.5%	29.8%	27.4%	39.4%
17	21.2%	31.4%	21.3%	31.4%	17.1%	25.6%	24.2%	32.4%	32.9%	44.6%
18 or Older	34.0%	47.8%	34.4%	47.8%	32.0%	44.3%	38.2%	48.9%	44.1%	58.5%

**Represents average percent of students with unexcused absences*

Cooperative Interagency Agreement

Per s. 1003.27(4), F.S., a cooperative interagency agreement must be developed between the DJJ, the Department of Children and Families (DCF) and the district school superintendent to:



SCHOOL DISTRICT SUPERINTENDENT REFERRAL FOR PARENTAL PROSECUTION

State attorney requirements:

- Sworn probable cause affidavit establishing nonattendance or nonenrollment.
 - Attendance record and key establishing nonattendance.
 - Verification of student's age being within compulsory education.
 - Copy of 3 day letter and proof of service for nonenrollment.
 - Living address for parents, legal guardians, or custodians and child.
 - Verification of school efforts to remediate nonattendance or nonenrollment.
 - Witness list (teachers, attendance clerk, custodian of records).
 - Cooperation and testimony of witnesses.
- **Note:** it is helpful for the school district to meet with the Office of the State Attorney to discuss individual office requirements, statutory requirements, any barriers to prosecution, and evidence and information needed.
- **Note:** Only full day absence count as unexcused absence. Days of suspension are not unexcused absences.



SCHOOL DISTRICT SUPERINTENDENT TRUANCY COURT PROCESS

The school district superintendent (or designee) **may** file a truancy petition in Truancy Court if:

- Truancy Court is established by the Circuit Court within the county.
- Student meets statutory definition of “truant”.
- The petition shall be sworn by the superintendent or designee.
- Petition must be filed in the circuit in which the student is *enrolled* in school.
- Petition must contain:
 - ✓ Student’s name, age, physical address.
 - ✓ Name and physical address of student’s parent, guardian, legal custodian.
 - ✓ School where student is enrolled.
 - ✓ Efforts made by school to get student to attend (CST efforts)
 - ✓ Number of out-of-school contacts between school system and student’s parent, guardian or legal custodian
 - ✓ Number of days and dates student missed school unexcused.
- The Clerk of Court shall issue summons and the court must hear the case within 30 days. All parties must attend the hearing.

s. 985.151, F.S



DEFINITION OF TRUANT

“Truant” student is:

A student, subject to compulsory school attendance, who has had:

- 5 unexcused absences (or absences for which reasons are unknown) *within a calendar month, or*
- 10 unexcused absences (or absences for which reasons are unknown) within any 90 calendar days, or
- Has had *more than* 15 unexcused absences within 90 calendar days.

Note: only the first provision requires the absences be within a calendar month, the other two provisions are counted as calendar days (*not* school days) and may “float” between months.

ss. 984.151 and 1003.26(1)(b), F.S.



TRUANCY COURT POWER AND AUTHORITY

If the judge or magistrate determines the student did miss any of the alleged days unexcused, the court **must**:

- Order the student to attend school.
- Order the parent, guardian, or legal custodian to ensure the student attends school.

The court **may**:

- Order alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community service hours (limited to six months).
- Homemaker or parent aide services.
- Intensive crisis counseling.
- Participation in community mental health services. (FINS services may be an option).
- Participation in other voluntary or community services.
- Participation in vocational training, job training and employment services.

If remediation of the nonattendance is unsuccessful, the case **must** be referred to the CSC with a *recommendation* to file a CINS petition. *Sockwell v. State*, 123 So.3d 585 (Fla. 2d DCA 2012)

s. 985.151, F.S.



DEPARTMENT OF JUVENILE JUSTICE

FINS/CINS PREVENTION SERVICES

The Department contracts with the Florida Network to provide services for Families in Need of Services (FINS) and Children in Need of Services (CINS).

Florida Network provides oversight and training to a network of subcontracted community providers that

- Operate shelters for short term placement of FINS and CINS youth, and
- Provide non-residential services including case management and counseling for these youth and families.

The Department's attorneys

- Process the filing of CINS petitions and attendant paperwork.
- Litigate the adjudication and disposition phases of the case.
- Facilitate ongoing judicial review hearings until the case is closed.

ss. 984.01(2), 984.04(7) and 984.15(1), F.S.



DEPARTMENT OF JUVENILE JUSTICE FINS/CINS PREVENTION SERVICES

The local provider:

- Provides voluntary services and referrals for FINS.
- Chairs the CSC.
- Completes and distributes the services plan.
- Drafts the CINS petition and other legal paperwork with the assistance of the Department's attorney.
- Monitors court ordered sanctions including school attendance, substance abuse treatment and counseling services.
- Oversees the case management to insure the child and family have access to ongoing services until the case is closed.
- Attends court hearings and provides updates to the court. (School board may attend these hearings).

ss. 984.01(2), 984.11, 984.12, F.S.



DEFINITION OF FAMILY IN NEED OF SERVICES

Family (child + parent, guardian, custodian or adult relative) with child who is:

- Running away
- “Ungovernable” (persistently disobeys reasonable and lawful demands of and is beyond the control of the parent or legal custodian)
- Habitually truant, or
- Engaging in other serious behaviors that place child at risk of future abuse, neglect, abandonment or entering the juvenile justice system, and
- Must be referred to the Department by law enforcement or agency contracted for CINS services. (Any person may call in a referral for services to a local FINS provider).

Note: The child is not eligible for FINS services if there is an open investigation into abuse, neglect or abandonment, or the child is currently supervised by DJJ or DCF.

s. 984.03(25), F.S.



DEFINITION OF CHILD UNDER CHAPTER 984

“Child”, “Juvenile”, “Youth”

- Unmarried person under age 18.
- Has not been emancipated by court.

And

- Has been found dependent (Chapter 39), or
- Has been found to be a Child in Need of Services, or
- Has been found to be from a Family in Need of Services.

s. 984.03(8), F.S.



FAMILY IN NEED OF SERVICES, SERVICES REQUIREMENT

Voluntary services must be offered to the parent, guardian, custodian and child, and time to engage in services must be given. Services may include:

- Homemaker or parent aide services.
- Intensive crisis counseling.
- Parent training.
- Individual, group, or family counseling.
- Community mental health services.
- Prevention and diversion services.
- Services provided by voluntary or community agencies.
- Runaway center services.
- Housekeeper services.
- Special education, tutoring or remedial services.
- Vocational, job training, employment services.
- Recreational services.
- Assessment.

s. 984.11, F.S.



CONVENING CASE STAFFING COMMITTEE MEETING

Department representative (case manager) **must** request a CSC meeting with the family and child to review a case if:

- The family or child do not agree with the voluntary services or treatment offered, or
- The family or child will not participate in recommended services or treatment, or
- The case manager needs assistance developing an appropriate plan for services or treatment.

Parent, guardian, or custodian **may** convene a CSC meeting.

- A meeting **must** be convened within 7 working days after the date the department's representative receives the request in writing.

Any other member of the CSC may convene a meeting if the member finds doing so is in the best interest of the family or child.

s. 984.12, F.S.



CASE STAFFING COMMITTEE COMPOSITION

- The CSC **must** include:
 - Representative from child's school district.
 - Representative of the Department.

- CSC **may** include:
 - Supervisor from Department contracted provider.
 - Representative from health, mental health, substance abuse, social or educational services.
 - State Attorney's Office.
 - Alternative Sanctions Coordinator.
 - Any other person recommended by child, family or Department.

s. 984.12, F.S.



CASE STAFFING COMMITTEE ACTIONS

The CSC **must**:

- Make a timely decision and develop a plan for services for the child and family.
- The plan **must** contain:
 - ✓ Statement of the problems.
 - ✓ Needs of the child.
 - ✓ Needs of the parent, guardian, or custodians.
 - ✓ Measurable objectives to address the problems and needs.
 - ✓ Services and treatment to be provided, including:
 - Type of services or treatment and location.
 - Frequency of services or treatment.
 - Accountable service providers or staff.
 - Timeframes to achieve objectives.
- The case manager will report to the committee the progress, need to make adjustments to the plan, or if the plan may be terminated due to successful achievement of the plan objectives.

s. 984.12, F.S.



CASE STAFFING COMMITTEE ACTIONS

The CSC **must**

- Provide the parent, guardian or custodian with a written report within 7 days after the meeting detailing:
 - ✓ The plan for services.
 - ✓ The reasons for the committee's decision to recommend, or decline to recommend that the department file a petition alleging the child is a CINS.
- Upon receipt of the plan, the child and family shall accept or reject the services and provisions in writing. If the services plan is accepted, the plan shall be implemented.

Note: The CSC should ensure the child meets the definition of a child in need of services if filing a CINS petition is recommended by the committee.

s. 984.12, F.S.



DEFINITION OF CHILD IN NEED OF SERVICES

CINS is a child who has:

- No pending investigation of abuse, neglect, or abandonment.
- No pending referral alleging the child is delinquent.
- No current supervision by the Department of Juvenile Justice (DJJ) or the Department of Children and Families (DCF).
- The child must be:
 - ✓ Persistent runaway despite reasonable efforts to remedy the conditions contributing to the behavior, such as family mediation and services or treatment offered, **or**
 - ✓ *Habitually truant* from school, **or**
 - ✓ “Ungovernable” despite reasonable effort such as a good faith effort at family and individual counseling by the parent.

s. 984.03(9), F.S.



DEFINITION OF HABITUALLY TRUANT

“Habitual(ly) Truant”

- 15 (or more) unexcused absences within 90 calendar days.
- Subject to compulsory school attendance as defined in ss. 1003.21(1) and (2)(a), F.S. (Ages 6-16).
- Not exempt from compulsory attendance under ss. 1003.21(3) and 1003.24, F.S., or any other exemption.
- Activities to determine cause of non-attendance and attempts at remediation *have been completed by school*. See ss. 1003.26 and 1003.27(3), F.S.
- **Note:** s. 1003.01(8), F.S., uses word “student”; s. 984.03(27), F.S., uses “child”.

ss. 984.03(27) and 1003.01(8), F.S.



CINS PETITION FILING BY DEPARTMENT

All CINS proceedings shall be initiated by petition by an attorney representing the Department or by the child's parent, guardian, or legal custodian.

The Department shall file a CINS petition within 45 days of CSC petition recommendation if:

- Family has in good faith used services and process in ss. 984.11 and 984.12, F.S., or
- Family has refused those services and processes.

The CINS petition:

- Must be in writing,
- Establish cause as defined in 984.03, F.S.,
- Must be signed by petitioner under oath, and
- Must be signed by the Department's attorney.

s. 985.15, F.S.



CINS PETITION FILING BY PARENT

The parent **may** file petition, if:

- DJJ waives requirement of CSC meeting.
- DJJ fails to convene CSC within 7 days after receiving written request.
- The parent does not agree with CSC plan.
- DJJ fails to provide written report within 7 days.

The parent **must**:

- provide the Department *prior* notice of intent to file petition by serving the Office of General Counsel. If the parent fails to provide prior notice, the Court may dismiss the petition or postpone the hearing until notice is provided, unless the Department agrees to waive notice.

The petition **must**:

- Meet statutory requirements, including requirement that family has in good faith but unsuccessfully participated in services described in ss. 984.11 and 984.12, F.S.
- Be signed by petitioner under oath.

s. 985.15, F.S.



ASSISTANCE AND SUPPORT

Services and resources are available through:

- The Florida Network
 - ✓ <https://FloridaNetwork.org>
 - ✓ 850-922-4342
- Hope Florida-A Pathway to Potential
 - ✓ <https://www.DJJ.STATE.FL.US/youth-families/Hope-Florida>
 - ✓ 850-300-HOPE (4673)



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