

Practice Tips

How to Establish and Run a Truancy Program

The American Bar Association President Elect Karen Mathis is making Youth at Risk a cornerstone of her year as ABA President. The Criminal Justice Section is a strong supporter of and participant in her initiative and presents this practice tip in an effort to generate activity on the local level in support of her initiative. If you are interested in establishing a program, contact Kristie Kennedy at 202-662-1511 or kennedyk@staff.abanet.org.

By Jennifer Pennington and Caren Barnes

According to statistics compiled by the Children's Defense Fund, a student drops out of school every nine seconds of every school day. Many of these "drop outs" turn up in the juvenile and criminal justice systems.

Juvenile courts and attorneys across the country can and are, doing something about the escalating truancy trend through bar association and firm sponsored intervention initiatives. The following practice tips are based on the experience of the Atlanta Bar Association's Truancy Intervention Project.

How to establish a truancy program:

Assessing the need and current, available resources.

A steering committee made up of other interested bar association, firm or civic members must be established to lead the program's efforts. The group need not be large, but passionate and committed to conducting a fair amount of initial planning and research. Duties to be assigned are the following:

First, contact the school board and inquire about dropout and truancy statistics.

If this information is not readily available (or you experience difficulty in obtaining this information), begin to assess the need through informal interviews with key players: school social workers, parents, and students. The school system is an essential resource.

Second, assess the availability of existing programs.

A valuable resource in this research is the National Dropout Prevention Center at Clemson University. NDPC publishes a quarterly newsletter and maintains



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an extensive web page at www.dropoutprevention.org. This web site outlines the NDPC network and will highlight all NDPC members in your state.

Third, consider whether an attorney-generated program is appropriate.

Answering the following questions may be of help in this process:

1. How many truancy petitions were filed in the Juvenile Court last year?
2. How many educational neglect petitions were filed against parents with children too young to be held responsible for their education?
3. Of the truancy petitions filed, how many were adjudicated with children placed on supervision?
4. Who currently represents these children in court proceedings?
5. Is the Judge satisfied with the representation and subsequent follow-up?
6. How does the school board rate their truancy issues?

Gathering this preliminary information is essential before appealing to volunteers, judges, probation officers, schools, parents, and, of course, potential funding sources. As this information is collected, remember that the sources of this information – the Court, the schools, social workers, students and parents – are future partners in this endeavor and must be primed for long-term involvement.

Fourth, establish collaborative relationships.

Determine if all the components are available to operate a program. The most important factor is the Juvenile Court Judge's support. Without the Judge's support, this type of program simply is not possible. The Judge may not immediately embrace the idea, but is often open to discussing and investigating the project.

These key supporters should be interviewed for their insights:

- Parent Associations
- Associate Judges/ Probation Officers
- School System Social Worker Supervisor/ Social Workers
- School Principals
- City/ County/ State Bar Association
- Local Child Advocates/ Juvenile Public Defenders
- Local Law Firms/ Corporations/ Businesses

From these informational interviews, the following should be gleaned:

1. Is there a history of successful volunteer programs in the community?
2. Will the bar association support this program?
3. Will court-appointed attorneys support it?
4. Is there a potential for funding?

This project can only operate as a partnership between various entities so it is imperative that those spearheading the effort be *inclusive* and open to suggestions.

Fifth, address these essential considerations.

Be prepared to discuss why attorneys, not just family lawyers, are well-suited to be paired with children at risk of dropping out. Some training and guidance may certainly be necessary, but as trained troubleshooters, attorneys are uniquely qualified to meat out root issues and advocate for appropriate solutions. Just a few hours of advice, intervention, or advocacy from a single attorney has the potential to make a substantial difference in the success of a child in crisis.

Furthermore, in most juvenile courts, representation of a client in a truancy hearing will not require much (or any) court experience. Unlike a trial, all parties at a truancy hearing are working toward the same goal, the best interest of the child. Everyone is looking for solutions. This non-adversarial environment is ideal for volunteers from all areas of the law.

Sixth, get started using the Atlanta model as a guide.

Atlanta's Truancy Intervention Project began in 1991 as a joint effort between the Fulton County (Atlanta) Juvenile Court and the Atlanta Bar Association. The project was started in response to the recurring factor of truancy among children who appeared in Juvenile Court. Recognizing truancy as symptomatic of underlying problems, Project founders knew that addressing and treating those root problems would mean Atlanta's at-risk children would stand a much better chance of attaining an education.

Potential volunteers are recruited through their local bar associations and law firms. They undergo a criminal background check, complete an application and are trained in a CLE seminar. To review TIP Georgia's Training Manual or for more specific information, visit www.truancyproject.org.

How does TIP work?

1. A truancy petition is filed by a school social worker at the Juvenile Court.
2. If the student is a first time truant with no history of other status offenses or delinquencies, the case is referred to the truancy project probation officer.

3. The probation officer calendars the case and sends all pertinent paperwork to the truancy project referral coordinator.
4. The TIP referral coordinator phones trained project volunteers until she/he finds a volunteer willing and able to take the case.
5. Once the attorney officially accepts, the referral coordinator makes a copy of all case information and sends it to the attorney, keeping the original copies on file in the office.
6. The TIP referral coordinator sends a letter to the child letting him/her know the attorney's name/work address, and work phone number, and asks the child to contact the attorney.
7. When the attorney receives the file, s/he begins making the appropriate contacts (i.e. probation officer, school social worker, parents, child) to learn more about the case. At this juncture, non-attorney volunteers may be assigned by the referral coordinator if the attorney needs assistance.
8. The assigned attorney represents the child in Court at the first scheduled hearing and at all subsequent truancy-related hearings.
9. The attorney will not be required to represent the child in any delinquency or deprivation issues should they arise in the case.

After a truancy petition has been heard in Juvenile Court and the student has been placed on supervision, the volunteer attorney will:

1. Maintain contact with the student, parent, and appropriate school personnel to monitor school attendance.
2. Collaborate with probation officers to insure effective supervision of the Court order as it pertains to the student's school attendance.
3. After the first hearing, the probation officer will notify the attorney of future hearings. (Ideally, the probation officers and attorneys are in contact and may arrange hearings based on the child's best interest and the attorney's schedule).
4. After the first hearing, the attorney fills out the case update form and returns it to the referral coordinator to keep her informed of developments in the case.
5. After the hearing, the attorney continues to advocate for the child, seeking appropriate incentives and services, and building a positive relationship with the child.
6. The attorney continues involvement with all parties until the case is officially closed in Juvenile Court. The referral coordinator is available to provide help at any point.

For a more detailed article, additional model truancy programs and links to relevant web resources click on the Section web site at www.abanet.org/crimjust.