

Day 4

Legal Intervention: Tackling Some of the Hardest Cases

“If a child comes to a court where there are allegations of abuse and neglect involving the parent, I want to look right away at school attendance. The absences reflect the voice of a child, a voice that can't say ‘My Mom's boyfriend is an alcoholic and he beats her up at night.’ What he's really saying is ‘I didn't get any sleep, I couldn't get up in the morning and I had to stay home to protect my Mom. Those absences serve notice to court that there may be more than meets the eye.’”

- Judge Joan Byer, Jefferson Family Court,
Louisville, Ky.

Courts have traditionally been the last resort for truant students. Judges see the kids with the worst attendance records and the most complicated problems. But judges have had few tools to make much of a difference. They can order children to go back to school or send them to juvenile detention. Neither option addresses the underlying issues or often seems to make much of a difference. By the time these children reach juvenile court, the threat of jail time may not mean much.



In recent years, frustrated by their lack of success with these children, judges and courts have begun taking a more activist role. Armed with the power of the bench, judges are reaching out to the community and schools to bring together a combination of judicial threat and support to help truant students and their families get back on track. Judges are reaching out to students and their parents before truancy becomes chronic. In some cases, they hold truancy court at schools. In others, courts have set up alternatives to court, such as community truancy boards and attendance workshops. All these approaches are aimed at learning about the underlying reasons for truancy, making a plan to address those issues, and holding the authority of the court as an incentive for parents and children to get back on track.

A Truancy Court Where the Judge Praises Students

In Louisville, Ky., Family Court Judge Joan Byer can attest to the frustration of working on truancy cases that come before her.

“Courts are incredibly ineffective in getting kids back to school and to a place where they can succeed academically,” Byer said. “The court wasn't set up to deal with the reasons why students weren't in school. We realized that what we were doing was a total waste of time.”

Judge Byer and Linda Wilhems, the liaison from Louisville Schools to the courts, decided to set up a program to address the root causes of the reasons why children stop attending school. Modeled after Drug Courts, a judge and a multidisciplinary team from the school and community meet weekly with children and parents for ten to 12 weeks. Unlike Drug Courts, however, these courts meet in the student's school. Judges like Byer and the team target "soft truants" -- those children who have missed 20 days in a semester. They look for a family who is willing to attend truancy court every week for at least ten weeks and who is not involved in other judicial matters, such as child protective services or juvenile detention. Participating families have not tapped into community resources that could help them, but they are willing to make changes.

Quick Look:

The Truancy Court Diversion Program in Louisville, Ky., is an intervention program created to address the root causes of truancy. The program, led by Judge Joan Byer, holds 10 to 12 weekly court sessions at a school for students who have been truant. The program also involves up to six other family court judges or circuit court judges in seven to 12 elementary and middle schools per semester. A case manager works with the family to set up support systems to help the child get to school and stay there.

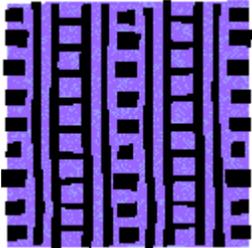
The program may not be effective for the most difficult cases, such as children who are absent for much of the school year or whose parents are having such significant problems that they cannot support the child by attending the weekly sessions. Those families need much deeper and long-lasting help that a ten-week program cannot address. This program is designed for children who are in danger of dropping out but can still catch up.

"We met on Thursdays and they talked to us about the importance of things like self-integrity and perseverance and they made us feel safe, like we were at a safe place, probably the safest place at school. We talked about why it is important to attend school and how to deal with the trials and tribulations that occur at school. [Now] my grades are excellent. I've had one U at the beginning of the year and the rest As and Bs."

- 13-year-old male student who participated in the Louisville Truancy Court Diversion Program

The team includes a judge, such as Judge Byer, a family advocate who is a seasoned social worker and is familiar with services in the community, the local school attendance clerk, a school counselor, and a teacher. Once a family is

identified, a social worker and school representative visit the family's home to tell them about the program and to assess their needs. They might learn about mental health issues, substance abuse, medical problems such as asthma, and recent losses, such as the death of a family member or a divorce. From that information, if the family agrees to participate, then the team can begin to make a plan to address those needs.



The team is hands-on. If a family is reluctant to make the first call for mental health counseling, a social worker will make the call. If a mother says she doesn't have a car to bring her daughter to a chemical dependency appointment, someone from the team will give her a ride. Some of the parents cannot read, and team members have helped them enroll in classes that will eventually allow them to earn their GED.

“One of the arguments [against this approach] is that it appears to enable the family,” Byer said. “You’re not enabling people who have not developed a particular skill, such as scheduling medical appointments that don’t conflict with their child’s school day.”

The Truancy Court Diversion Program began in a middle school close to Judge Byer's courtroom. In the truancy courts, which take place once a week in school, Judge Byer reviews the child's file and then talks to the child and parent about the progress they are making. With the power of the judiciary behind her, Byer said she can make sure families get the services they need, such as alcohol treatment or housing assistance, sooner rather than later. School liaisons can set up a tutoring program to help students catch up and enroll them in after-school programs to help engage them in school again. Program staff also hold activities to help children develop leadership and communications skills. Among those activities are ones that encourage parents and children to communicate with one another. Both parents and children identify qualities that they like about each other and then state those qualities in front of the group. For both it may be one of the first times that they have heard something positive about themselves from that family member.

“At the start of Week one, I will ask what services are needed,” Byer said. “If they are not started, they will be by Week 2.”

Byer also makes a point to say something positive about each student.

“A lot of parents had not seen success in their kids and did not know how to react to it,” she said. “Once the parents were able to start to

see the child be successful, they stood taller and showed obvious pride for their child. These parents have only received attention when their child is in trouble. The parents start to believe that they and their kids are failures.”

In addition to the weekly court sessions, team members visit the families' homes once a week and make sure they are getting needed services. Students receive small rewards, such as books and calculators, which are given out every week. The program takes students to a local book store to browse and pick out books they want to read, and sponsors a field trip to a state park for students and families just to have some fun. Staff also invite family members to an open house at school for a meal, to listen to music, and to have a positive overall experience.

Click [here](#) for an example of how to create a truancy diversion team.

Byer points out that the program can reach a limited number of students. Out of 96,000 students in the Louisville school system, about 14,000 are truant each year. Of those, about 250 will attend the truancy program. Once the ten-week program ends, team members will follow up with students and their families to make sure their attendance continues.

“Courts by themselves can't effectively get kids back to school,” Byer said. “Judges recognize the need to be more proactive in dealing with the needs of kids who may ultimately come before us in court. We have the ability to be a community convener and to call meetings of all interested community players or agencies. When you have a judge engaged in the front end, there is an immediate sense of accountability.”

As written in *Truancy, Literacy and the Courts: A User's Manual for Setting up a Truancy Intervention Program* (2001):

“To witness a Byer model truancy court in action is a moving experience. At first it seems rather lackluster, in part because the parents and children tend to be shy, generating little energy in the room. And it is hard for the children to speak up, and sometimes they don't speak clearly. But cumulatively the effect is powerful. In part this is so because of the way time is given to each child. One after another, hulking or

skinny, they have to come out of the shadows and stand in the light and discuss the specifics of their week with someone who has taken the trouble to learn a great deal about them.

"The sight of the parents going up to that table is moving too. Many of them have an almost retiring quality from which the process of the program requires them to emerge. Both parents and children have a look of satisfaction and reinforcement on their faces as they return to their seats. These are, by definition, non-compliant kids, but they did not misbehave or show any sign of disrespect in Judge Byer's `courtroom.' On the contrary, as they pass through their weekly session, one after the other, the participants convey the sense of being in a process that they know is adding up."

Click [here](#) to download "Truancy, Literacy and the Courts: A User's Manual for Setting up a Truancy Intervention Program," which features the Truancy Court Diversion Program discussed above. When you are ready to return to this event, please click on your Internet browser's "back" button or hit the "backspace" button on your keyboard.

Seattle Turns to the Community

In 1993, a 13-year-old runaway in Washington State named Rebecca Hedman was raped and murdered following a quick and to some observers, almost inexplicable, descent from honor student to living on the streets as a prostitute. In shock, her parents and others pushed for laws to protect other vulnerable children like Rebecca.

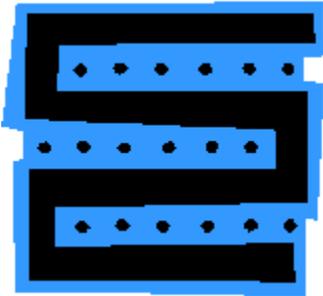
"Rebecca Hedman had become truant and at risk and no one responded. Her spiral was so fast. She went from being student of the month to running away from home and using drugs and alcohol and then being murdered. People were stunned by the lack of response by school departments. They simply didn't have the resources and did not know how best to respond to her needs."

- Kaki Dimock, At-Risk Youth Programs Manager,
Juvenile Services Division, King County Superior Court

Legislators eventually passed a law, called the Becca Bill, that included requirements that a school inform parents of unexcused absences and meet with the student and family if unexcused absences continue to accumulate. If a student has five unexcused absences in a month, the school may take legal action. If a

student has seven unexcused absences in a month or ten in a year, the school must file a truancy petition in juvenile court. If the truancy continues, the court can order a youth to a county detention facility and order the parents to pay fines and perform community service.

Click [here](#) to read the full text of the Becca Bill and to review the Becca Process. When you are ready to return to this event, please click on your Internet browser's "back" button or hit the "backspace" button on your keyboard.



The new law set off a flood of truancy petitions. In King County alone, which serves the greater Seattle area, the juvenile courts received 5,000 petitions in one year compared with 93 the year before. The courts were overwhelmed. Kids spent six to seven minutes in front of a judge -- not nearly enough time to address the issues that kept them from going to school. Clearly, something needed to be done.

In response, Dimock and others at the King County Superior Court began to develop alternatives to court appearances. Now when a truancy petition is filed, families have the option of attending an evening workshop, participating in a community truancy board hearing, or proceeding to court on the charges.

Quick Look:

The King County Superior Court truancy reduction project consists of a multitiered approach to families involved in the truancy petition process of the Juvenile Court. It includes the following: Attendance workshops are offered as an alternative to the formal court process. The two and one-half hour workshop includes rights and responsibilities for schools, Washington state truancy law, a small-group discussion about intervention efforts, and contract development by the parent and youth. Students may be ordered to appear in court if their attendance does not improve. Case managers may be assigned to work with families to identify and access community- and school-based programs. This is one of the Office of Juvenile Justice and Delinquency Prevention's Truancy Demonstration programs.

The workshop, which the student and a parent attend, includes education about truancy laws and facilitates planning between the parent and youth to address the cause of truancy. Community truancy boards composed of local community

members hear the case, develop a plan with the student and family, and monitor compliance with the agreement.

"At the attendance workshop we asked kids why they missed school," Dimock said. "We've gotten 3,000 responses. The number one reason they miss school is because they are discouraged about being behind in school. They are not experiencing success. They don't have the feeling that they will catch up. Parents say that their kids don't value education, they don't like school and don't want to work. So they are missing [the point]. A survey of school administrators said the same thing."

The alternatives to truancy petitions focus on the carrot-and-stick approach: Kids need to experience success so they can become re-engaged with school, and kids and their parents need to be held accountable for their actions. If they do not follow through on their plans for improvement, the truancy petition can still be filed.

The community truancy board is composed of people from the area, all of whom are parents, and is designed to be a nonthreatening, nonconfrontational approach to parents who may be feeling protective of their child and hostile toward school officials.

Click [here](#) for an overview of steps for establishing a community truancy board.

At the end of the attendance workshop and community truancy board, students are asked to make a contract for what they can do to improve their attendance. Parents are asked to make a contract for what they can do to help their child in her plan. In many cases, schools are asked to help as well. That might mean transferring a student from a classroom of a teacher he does not get along with or allowing him to take an independent study. Students and parents receive follow-up attention from both the attendance workshop coordinators and community board members to make sure they stay on track.

Filling the Gaps

Some students and family need more help than just an attendance workshop or community truancy board can provide. To address those needs, the King County courts hired four full-time case managers to help children and their families and schools link to community services. Then some families need yet more help. The kids said that they were going to leave home and the parents were showing them

the door. Simply lining up after-school programs or tutoring was not going to do the job. The courts started offering “functional family therapy,” in which youth and their families learn how to better communicate with one another.



Barbara Kennedy runs a community truancy board for the Tahoma School District, a suburb of Seattle with about 6,000 students. She gets referrals for kids who have missed three to ten or more days of school without an excuse. After researching a case, Kennedy sends a letter to the parents about the law and consequences of truancy for the child. She refers many of these cases to the community board.

She finds that 85 percent of the students who participate in the community truancy boards return to and stay in school. The court rate is between 35 and 45 percent, she said. Overall, 78 percent of the 3,000 youth who participated in the attendance workshop avoided formal court intervention for truancy and 58 percent avoided juvenile justice involvement of any kind in the 18 months following their participation.

“We have filled a lot of gaps in the system,” Dimock said. “There are still some kids who fail and need a halfway step.”

Providing Schools with Resources

When court officials began working closely with schools, they learned to their dismay that many staff were aware of some of their students' problems, such as witnessing domestic violence. But the schools did nothing to help them; they did not know the resources available to help them with at-risk kids in their community.

“Once we got over being mad at them, we realized that they didn't have the resources,” Dimock said.

Dimock's program collected information on all the resources a school might need to refer students and families who were dealing with everything from domestic violence to eating disorders to transportation and pregnancy and STD concerns. They put the information in a book and gave out several dozen copies to area schools.

Quick Look:

In Houston, Tex., the Mayor's Anti-Gang Office placed an experienced case manager in one high school to identify students with chronic truancy patterns. Through home visits and school-based supports, students and their families are provided with services and resources to address truancy. The program also works with community police officers, who provide a "knock and talk" service for youth and their families when truancy continues to be an issue. The officers, along with social workers, assess how the family is functioning and deliver information about the law and truancy outcomes. If needed, they issue official summons to court for a truancy petition.

When schools look beyond their walls to help serve their student population, and community agencies and institutions open up their doors to help local youth, all students and their families will benefit -- particularly those with the greatest needs.

Has your school established strong links with community services to help identify and assist chronically truant students and their families?

Yes

No

[Current Results](#)

[Free Web Polls](#)

Looking Ahead

Today we reviewed some collaborative models that demonstrate the great potential for positive change that exists when schools, the legal system, and the broader community work together to help some of the most troubled students. Tomorrow, on the final day of this event, we will ask you to review the three levels of antitrucancy strategies presented over the past few days, reflect on truancy problems in your schools and communities, consider the key elements of a comprehensive antitrucancy program, and explore additional resources on this topic.



Click [here](#) to print today's materials in PDF format.



Discussion Questions

Please think about the questions below and share your responses, comments, and/or any questions about today's material in the [Discussion Area](#) .

- ◆ What role do courts in your community play in truancy cases? Is there a liaison between the school and the court system?
- ◆ What do you think about Judge Byer's statement that making a phone call or driving parents to an appointment is not enabling them but helping them?
- ◆ Judge Byer has said there is a lack of public urgency about truancy, in part because parents of students who attend regularly are unsympathetic or unaware of the problems facing these families. What is your perspective and what can be done to create a sense of urgency?
- ◆ What promises and pitfalls do you see in these alternatives to court, such as community truancy boards?

This completes today's work.

Please visit the [Discussion Area](#) to share your responses to the discussion questions!

Truancy programs mentioned in Day 4 materials:

King County Superior Court Truancy Reduction Program/The Becca Bill
<http://www.metrokc.gov/kcsc/juv/truancy.htm>

Louisville Truancy Court Diversion Program
 Jefferson County Family Court
 Judicial Center
 700 West Jefferson Street, Suite 220
 Louisville, KY 40202-4730

Judge Joan Byer (joanb@mail.aoc.state.ky.us)

Mayor's Anti-Gang Office, Houston, Tex.

<http://www.ci.houston.tx.us/citygovt/mayor/antigang/>

References for Day 4 materials:

Baker, M. L., Sigmon, J. N. and Nugent, M. E. (2001). *Truancy reduction: Keeping students in schools*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Byer, J. (April 2004). Personal communication.

Dimock, K. (April 2004). Personal communication.

Kennedy, B. (April 2004). Personal communication.

School dropouts: Education could play a stronger role in identifying and disseminating promising prevention strategies. (2002). Washington, DC: United States General Accounting Office.

Truancy, literacy and the courts: A user's manual for setting up a truancy intervention program. (2001). Washington, DC: American Bar Association.

Truancy Court Diversion Project [video] by Focal Point Video Productions, 1024 Logan Street, Louisville, KY. Available through the National Truancy Prevention Association, (703) 779-4620.



Creating a Truancy Diversion Team: The Louisville Experience

In order to successfully divert truant youth from court, a multidisciplinary team must be assembled. Judge Joan Byer, a family court judge in Louisville, Ky., and her colleagues in the school and community say that teams need to make sure the following roles are represented, in addition to a judge:

-  **Family Advocate:** This should be a seasoned social worker who is familiar with the services available in the community and knows how to work through the system to get them delivered quickly. Local government agencies of the courts might be willing to lend a social worker to the program. In Louisville, the program received eight social workers from the Department of Human Services of Jefferson County. Planners were also able to negotiate with Juvenile Justice to give them a social worker.
-  **Local School Attendance Clerk:** This member of the team keeps an accurate record of participants' attendance and reports these figures to the central office for statistical research.
-  **Youth Service Center/School Counselor:** This school-based person works toward establishing and maintaining a positive rapport with the truant families. He or she also works to get community organizations and businesses involved in implementing incentive programs for attendance, academic achievement, and behavioral improvement. He or she will also work with the school staff in giving additional help to students in the program, and provide transportation, if needed for the Family Advocate's home visit.
-  **Educational Liaison:** This is a teacher who acts as the academic connection between program participants and the school staff. The teacher communicates concerns of the teachers to the team, makes recommendations to families regarding matters such as tutoring or summer school, and helps to fine-tune schedules and classroom activities.

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From:

Truancy, literacy and the courts: A user's manual for setting up a truancy intervention program. (2001). Washington, DC: American Bar Association.



NORM MALENG KING COUNTY PROSECUTING ATTORNEY

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Becca Bill Information



To read the text of the Becca Bill as maintained by the Washington State Legislature, please see:

RCW [28A.225.010](#), [28A.225.020](#) and [28A.225.030](#), [28A.225.035](#) and [28A.225.090](#). (external links)

If you would like assistance understanding the Becca Bill, please see: [The Becca Process](#)*

If you have any questions relating to truancy, please contact [Bonnie Glenn](#), Senior Deputy Prosecuting Attorney, either by e-mail or telephone: 206-296-9035.

* To view this information, it is necessary to have Adobe Acrobat Reader installed on your computer. You can download a free copy of the [Acrobat Reader](#) or visit [Adobe's](#) site to get more information.

Dated: Feb. 29, 2004

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Steps for Establishing a Community Truancy Board

I. School District Commitment

- A. Discussion between truancy coordinators and administration about level of interest and commitment including additional staff time or reassigned staff time and authority to proceed.
- B. Discussion about how district will use community truancy board: as an intervention, as an alternative to court, or both.
- C. Consensus about who will take the lead on community truancy board development.

II. Volunteer Recruitment

- A. Develop application format.
- B. Place public service announcements in newspapers,
- C. Mail invitations to volunteer to mailing lists of Kiwanis, nonprofits in the area, Better Business Bureau, Parent-Teachers Association, etc.
- D. Interview and screen volunteers.

III. Volunteer Training

- A. Develop training materials to include information about truancy in general, rationale of community truancy boards, authority of community truancy board granted by statute and by district, use of stipulated orders, examples of appropriate recommendations, local resources list(s), and procedures.
- B. Provide three evenings of training.
- C. Develop forms and secure volunteer signatures for volunteer liability and hold harmless statements.
- D. Develop forms and secure volunteer signature and commitment for volunteer code of conduct and confidentiality agreement.
- E. Gather volunteer availability schedules and assign volunteers into teams that will meet regularly but not more than twice a month.
- F. Decide whether student volunteers will be included.

IV. Establishment of a Referral Process

- A. Who will decide which cases go to the community truancy board.
- B. How case information will get to the community truancy board.
- C. Develop referral materials to include synopsis of interventions to date.

V. Community Truancy Board Operations and Coordination

- A. How paperwork will flow.
- B. How the board will monitor compliance.

- C. How the district will know in case of noncompliance.
- D. How the board will hear updates on cases already heard.
- E. Who will schedule community truancy board hearings.

VI. Evaluative Component

- A. Develop survey instrument to measure parent satisfaction with community truancy board process.
- B. Develop survey instrument to measure student satisfaction with community truancy board process.
- C. Develop way to measure volunteer satisfaction to ensure retention.

VII. Volunteer Appreciation

- A. Identify ways to recognize exemplary work.
- B. Create year-end recognition for all.

VIII Public Relations Component

- A. Invite district administrators and leaders to observe community truancy board and meet volunteers.
- B. Encourage local press articles about process and success of community truancy board.
- C. Use information gathered from evaluations to plug community truancy board to district, local leaders, press and potential funders.
- D. Keep track of numbers of cases, level of compliance, attitude/behavior change of student, and percentage decrease in use of court.

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From:

Dimock, K. *King County Superior Court Community Truancy Board Development Handbook, 2002-2004*. Seattle, WA: King County Superior Court.