

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

IN THE MATTER OF

IN THE JUSTICE COURT

PRECINCT 2 TRUANCY COURT

A CHILD

BELL COUNTY, TEXAS

ORIGINAL PETITION ALLEGING TRUANT CONDUCT

COMES NOW the State of Texas, by and through the County Attorney of Bell County, Texas, hereinafter styled " Petitioner," and files this petition, pursuant to Section 65.054, Texas Family Code, against _____ (CHILD) hereinafter styled "Child" who is now alleged to have engaged in truant conduct, and as grounds that the Child-Respondent engaged in truant conduct, the State would show this Honorable Court that the State has information and good reason to believe and does believe the following:

1. Discovery Level

Discovery in this case is governed by Chapter 39, Code of Criminal Procedure, other than Articles 39.14(i) and (j).

2. Jurisdiction

This Court has jurisdiction of this suit under §65.004 Texas Family Code.

3. Venue

Child is or was or should have been enrolled in school at the time of the alleged truant conduct. The Child is located in Bell County, Texas or resides in Bell County, Texas. As such, venue is proper in said county pursuant to §65.006 Texas Family Code.

4. Limitations Period

This Petition is filed not later than the 45th day after the date of the last absence giving rise to the act of truant conduct and before the end of the school year giving rise to the act of truant conduct.

5. The Child:

The following Child-Respondent is the subject of this suit:

Name: _____
Birth Date: _____
Age: _____
Residence Address: _____
Grade: _____

Petitioner requests that process be served at that address or wherever he/she may be found.

6. Parties to be Served

The parent, guardian, or custodian of the Child- is:

Party: _____
Date of Birth: _____
Address: _____

Petitioner requests that process be served at that address or wherever he/she may be found.

The parent, guardian, or custodian of the Child- is:

Party: _____
Date of Birth: _____
Address: _____

Petitioner requests that process be served at that address or wherever he/she may be found.

7. Compliance with Education Code § 25.0915

The referring school certified that the school applied the truancy prevention measures adopted under §25.0915 Texas Education Code, and that said truancy prevention measures failed to meaningfully address the Child's school attendance, which is filed with the Court in the School District Referral.

8. Allegations

The Child named herein has failed to attend school without excuse on 10 or more days or parts of days within a six month period in the same school year on the

following days which absences constitute truant conduct: (please list more than ten if applicable)

1. _____(day) all day [] or periods _____
2. _____(day) all day [] or periods _____
3. _____(day) all day [] or periods _____
4. _____(day) all day [] or periods _____
5. _____(day) all day [] or periods _____
6. _____(day) all day [] or periods _____
7. _____(day) all day [] or periods _____
8. _____(day) all day [] or periods _____
9. _____(day) all day [] or periods _____
10. _____(day) all day [] or periods _____
11. _____(day) all day [] or periods _____
12. _____(day) all day [] or periods _____
13. _____(day) all day [] or periods _____
14. _____(day) all day [] or periods _____
15. _____(day) all day [] or periods _____

9. Request for a Hearing Date

Petitioner requests that the Court set a hearing date and time at least 10 days after the filing of this Petition.

10. Request for Remedial Actions

Petitioner requests that if the Court finds that the Child has engaged in truant conduct, the Court issue a judgment finding the Child has engaged in truant conduct and order appropriate remedial actions including but not limited to:

Ordering the Child to attend school without unexcused absences;

Order the Child to attend a preparatory class for the high school equivalency examination administered under §7.111, Education Code, if the Court determines that the Child is unlikely to do well in a formal classroom environment due to the Child's age;

If the Child is at least 16 years of age, order the child to take the high school equivalency examination administered under §7.111, Education Code, if that is in the best interest of the Child-Respondent;

Order the Child to attend a nonprofit, community-based special program that the Court determines to be in the best interest of the Child-Respondent, including:

- an alcohol and drug abuse program;
- a rehabilitation program;
- a counseling program, including a self-improvement program;
- a program that provides training in self-esteem and leadership;
- a work and job skills training program;
- a program that provides training in parenting, including parental responsibility;
- a program that provides training in manners;
- a program that provides training in violence avoidance;
- a program that provides sensitivity training; and
- a program that provides training in advocacy and mentoring;

Order the Child to complete not more than 50 hours of community service on a project acceptable to the Court;

Order the Child to participate for a specified number of hours in a tutorial program covering the academic subjects in which the child is enrolled that are provided by the school the Child attends;

Order the Department of Public Safety to suspend the driver's license or permit of the Child, and if the Child does not have a driver's license or permit, Order the Department of Public Safety to deny the issuance of a license or permit to the Child for the period that the remedial order is effective as provided by §65.101(h), Texas Family Code; and

Order any other Orders that the Court deems appropriate to ensure the Child attends school or completes the high school equivalency examination administered under §7.111, Education Code.

11. Request for Orders Affecting Parents and Others

Petitioner requests that if the Child has been found to have engaged in truant conduct, the Court Order the parent or other persons as defined in § 65.105(a) to:

Attend a class for students at risk of dropping out of school that is designed for both the Child and the Child's parent;

To refrain from doing any act that the Court determines to be injurious to the Child's welfare;

To enjoin all contact between the Child and a person who is found to be a contributing cause of the Child's conduct, unless that person is related to the Child within the third degree by consanguinity or affinity, in which case the Court may contact the Department of Family and Protective Services, if necessary;

Any person living in the same household, after notice and a hearing, to participate in a social or psychological counseling to assist in the Child's rehabilitation;

Order the Child's parent or other person responsible for the Child's support to pay all or part of the reasonable costs of treatment programs in which the Child is ordered to participate if the Court finds the Child's parent or person responsible for the Child's support is able to pay the costs;

Order the Child's parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the Child's unexcused absences and in developing strategies for resolving those problems;

Order the Child's parent to perform not more than 50 hours of community service with the Child; and

Order any other orders that will enable the Child to comply with the remedial Orders that are Ordered by the Court.

12. Request for Court Costs

Petitioner requests that if the Child is found to have engaged in truant conduct, the truancy court, after giving the Child, parent, or other person responsible for the Child's support a reasonable opportunity to be heard Order the Child-Respondent, parent, or other person, if financially able to do so, pay a court cost of \$50 to the clerk of court.

13. Attorney Ad Litem and Guardian Ad Litem

If the Child appears before the truancy Court without a parent or guardian, or it appears to the Court that the Child's parent or guardian is incapable or unwilling to make decisions in the best interest of the Child with respect to proceedings under Chapter 65, Texas Family Code, the State requests the Court to appoint a

Guardian Ad Litem to protect the interests of the Child in the proceedings and or an Attorney to represent the interests of the Child.

14. Payment of Fees for Guardian Ad Litem and Attorney for the Child

If the Court appoints a Guardian Ad Litem or an Attorney for the Child-Respondent, the State requests that the Guardian Ad Litem and Attorney's fees be assessed and paid in accordance with §§65.061(c) and 65.059(c), Texas Family Code.

15. Prayer

Wherefore, the State of Texas prays that summons issue as required by law on all persons requested in this Petition; that the Court set this cause for a hearing on some date ten days after the filing of this Petition; and

upon an adjudication hearing and the said Child be found to have engaged in truant conduct, the Court render and enter remedial Orders for the Child, parents and other persons in accordance with the requests in this petition; and

the Court Order the Child, parent, or other person, if financially able to do so, pay a court cost of \$50; and

the Court Order Guardian Ad Litem and Attorney's fees assessed and paid in accordance with §§65.061(c) and 65.059(c), Texas Family Code; and

the Court grant all other relief, in law and equity, to which Petitioner may be entitled.

Respectfully Submitted,

Jennine Jarolik
Assistant Bell County Attorney
P.O. Box 1127, Belton, Texas 76513
phone: (254) 831-2225
fax: (254) 933-5445
State Bar# 24004411
jennine.jarolik@bellcounty.texas.gov