

NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA

CAUSE NO. _____

IN THE MATTER OF

§
§

IN THE JUSTICE COURT

(INSERT CHILD'S INITIALS)

§
§
§
§

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 _____(insert student's name), hereinafter styled "Child-Respondent," 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

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

3. Venue

3.1. Child-Respondent is or was or should have been enrolled in school at the time of the alleged truant conduct. The Child Respondent 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

4.1. 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-Respondent:

The following Child-Respondent is the subject of this suit is a child as that term is defined in Title III, Chapter 65 of the Texas Family Code:

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

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

6. Parties to be Served

6.1. The _____ of the Child-Respondent the subject of this suit is:

Party: _____
Date Of Birth: _____
Address: _____

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

6.2. The _____ of the Child-Respondent is:

Party: _____
Date Of Birth: _____
Address: _____

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

6.3. The _____ of the Child-Respondent 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

7.1. The referring school certified that the school applied the truancy prevention measures adopted under §25.0915 Texas Education Code to the Child-Respondent, that said truancy prevention measures failed to meaningfully address the Child-Respondent’s school attendance, and completed a verified statement of compliance with the Education Code § 25.0915 which is filed with this petition.

8. Allegations

8.1. That _____ did then and there fail to attend school without excuse on 10 or more days or parts of days within a six month period in the same school year, to wit:

8.1.1. _____ day of _____, _____

8.1.1.1. All Day _____ or Periods _____

8.1.2. _____ day of _____, _____

8.1.2.1. All Day _____ or Periods _____

8.1.3. _____ day of _____, _____

8.1.3.1. All Day _____ or Periods _____

8.1.4. _____ day of _____, _____

8.1.4.1. All Day _____ or Periods _____

8.1.5. _____ day of _____, _____

8.1.5.1. All Day _____ or Periods _____

8.1.6. _____ day of _____, _____

8.1.6.1. All Day _____ or Periods _____

8.1.7. _____ day of _____, _____

8.1.7.1. All Day _____ or Periods _____

8.1.8. _____ day of _____, _____

8.1.8.1. All Day _____ or Periods _____

8.1.9. _____ day of _____, _____

8.1.9.1. All Day _____ or Periods _____

8.1.10. _____ day of _____, _____

8.1.10.1. All Day ____ or Periods _____

8.2. That said absences occurred during the _____ school year in which the respondent was enrolled at the time of the alleged truant conduct.

8.3. That the said absences constitute truant conduct as defined in Title III, Chapter 65 of the Texas Family Code

9. Request for a Hearing Date

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

10. Request for Remedial Actions

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

10.1. attend school without unexcused absences;

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

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

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

10.4.1. an alcohol and drug abuse program;

10.4.2. a rehabilitation program;

10.4.3. a counseling program, including a self-improvement program;

10.4.4. a program that provides training in self-esteem and leadership;

10.4.5. a work and job skills training program;

10.4.6. a program that provides training in parenting, including parental responsibility;

10.4.7. a program that provides training in manners;

- 10.4.8. a program that provides training in violence avoidance;
- 10.4.9. a program that provides sensitivity training; and
- 10.4.10.a program that provides training in advocacy and mentoring;
- 10.5. complete not more than 50 hours of community service on a project acceptable to the Court;
- 10.6. 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-Respondent attends;
- 10.7. order the Department of Public Safety to suspend the driver's license or permit of the Child-Respondent, and if the Child-Respondent 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-Respondent for the period that the remedial order is effective as provided by §65.101(h), Texas Family Code; and
- 10.8. any other Orders that the Court deems appropriate to ensure the Child-Respondent 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-Respondent has been found to have engaged in truant conduct, the Court Order the parent or other persons as defined in § 65.105(a) to:

- 11.1. Order the Child-Respondent and the Child-Respondent's parent to attend a class for students at risk of dropping out of school that is designed for both the Child-Respondent and the Child-Respondent's parent;
- 11.2. Order any person found by the court to have, by a willful act or omission, contributed to, caused or encouraged the Child-Respondent's truant conduct to do any act that the Court determines to be reasonable and necessary for the welfare of the Child-Respondent or to refrain from doing any act that the Court determines to be injurious to the Child-Respondent's welfare;
- 11.3. enjoin all contact between the Child-Respondent and a person who is found to be a contributing cause of the Child-Respondent's conduct, unless that person is related to the Child-Respondent within the third degree by consanguinity or affinity, in which case the Court may contact the Department of Family and Protective Services, if necessary;
- 11.4. after notice to, and a hearing with, all persons affected, order any person living in the same household with the Child-Respondent to participate in social or psychological counseling to assist in the Child-Respondent's rehabilitation;

- 11.5. Order the Child-Respondent's parent or other person responsible for the Child-Respondent's support to pay all or part of the reasonable costs of treatment programs in which the Child-Respondent is ordered to participate if the Court finds the Child-Respondent's parent or person responsible for the Child-Respondent's support is able to pay the costs;
- 11.6. Order the Child-Respondent'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-Respondent's unexcused absences and in developing strategies for resolving those problems;
- 11.7. Order the Child-Respondent's parent to perform not more than 50 hours of community service with the Child-Respondent; and
- 11.8. Order the Child-Respondent's parent or other persons subject to §65.105(a), Texas Family Code that will enable the Child-Respondent to comply with the remedial Orders that are Ordered by the Court.

12. Request for Court Costs

Petitioner requests that if the Child-Respondent is found to have engaged in truant conduct, the truancy court, after giving the Child-Respondent, 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 for the child

13.1. If the Child-Respondent appears before the truancy Court without a parent or guardian, or it appears to the Court that the Child-Respondent's parent or guardian is incapable or unwilling to make decisions in the best interest of the Child-Respondent 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-Respondent in the proceedings and or an Attorney to represent the interests of the Child-Respondent.

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

14.1. 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:

15.1. that summons issue as required by law on all persons requested in this Petition;

- 15.2. that the Court set this cause for a hearing on some date ten days after the filing of this Petition and at a place to be fixed by this Court;
- 15.3. that upon an adjudication hearing and the said Child-Respondent be found to have engaged in truant conduct, the Court render and enter remedial Orders for the Child-Respondent, parents and other persons in accordance with the requests in this petition;
- 15.4. that the Court Order the Child-Respondent, parent, or other person, if financially able to do so, pay a court cost of \$50;
- 15.5. that 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;
- 15.6. that the Court grant all other relief, in law and equity, to which Petitioner may be entitled.

Respectfully Submitted,

Jennine Jarolik
Assistant County Attorney
Bell County Courthouse
P.O. Box 1127
Belton, Texas 76513
phone: (254) 933-5379
fax: (254) 933-5445
State Bar # 24004411
jennine.jarolik@bellcounty.texas.gov