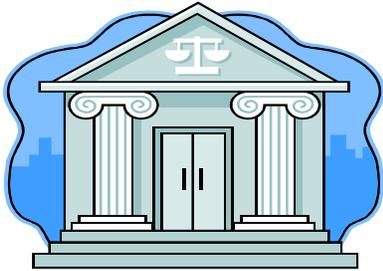


STATE OF DELAWARE
JUSTICE OF THE PEACE COURT



TRUANCY COURT
1999-2000

***Increased School Attendance, Interagency
Collaboration, and the Empowerment of Families***

What is the Truancy Court?

The Justice of the Peace Truancy Court has expanded dramatically from 100 cases and one judge in one county in 1996 to 578 cases and five judges in all three counties in 2000. This statewide truancy effort, which promotes early intervention to avert juvenile delinquent behavior, includes:

- A designated Truancy Court in every county;
- 1 Fulltime Truancy Coordinator for the state;
- 5 judges specifically trained to work with truancy cases;
- State prosecutor in every county;
- 1 grant funded Licensed Clinical Social Worker working full time in the New Castle Court.

Procedurally, the Truancy Court functions the same throughout the state with regard to case filing, arraignment, trial and case review (compliance hearing after trial). However, each county takes on its own personality based on the creativity, imagination, resourcefulness and inspiration of individual judges. Because the Truancy Court is modeled after the Drug Court (involving visiting teachers, a deputy attorney general, and a judge who follow a case from beginning to end), the relationship between the judge and the family may have a major impact on the success of the case.

How does the Truancy Court help families?

The judges have clearly gotten the message across to most parents that this court is not about punishment or paying fines, but assisting parents in taking back the control and responsibility of their children. The following are some quotes from parents:

- A Kent grandmother who is raising her grandson stated that *"if it wasn't for this court my grandson would have never received the help I knew he needed but was never able to get for him"*;



- A Sussex mother shared, *"Now that I have my own recovery I see what it will take to bring my family back together and keep my children in school"*;

- A New Castle father said *"It took a judge to get me to go to counseling and really be involved with my child's education, I am grateful."*

Judges continue to work towards improved school attendance by referring families to a variety of support services as needed: in 1999 - 2000 there were over 250 cases referred to behavioral health services, such as substance abuse treatment, mental health treatment, parenting classes, and other community services. In addition to those more traditional types of intervention, judges have gained insight into creative ways to motivate students including special assignments, community service, threatening potential loss of licenses, and all types of penalties that might be important to a youth. Though the main goal of the Truancy Court is to improve school attendance, a secondary benefit of academic improvement is always welcome.

Initially, parents were the exclusive defendants in truancy court for "Failing to Send" their children to school. However, in July of 2000, new legislation was enacted that allowed charges to be brought against a child if a parent has done everything within reason to eliminate the truancy of their child. Once this new "Affirmative Defense" for a parent is granted, the Truancy Court judge may have direct jurisdiction over the child, who may face the civil charge of "Failing to Attend" school. Steps are taken to encourage school attendance by the child, who may be charged with criminal contempt in the Family Court if the truancy continues. Between July of 2000 and December 31, 2000 the Truancy Court statewide had eleven "Affirmative Defense" and "Failure to Attend School" cases. For many of the older students with more chronic truancy problems this move to make them directly accountable to the judge is showing signs of being effective. As of March of 2001, only one of these cases had been referred to Family Court.

Is the Interagency Collaboration Working?

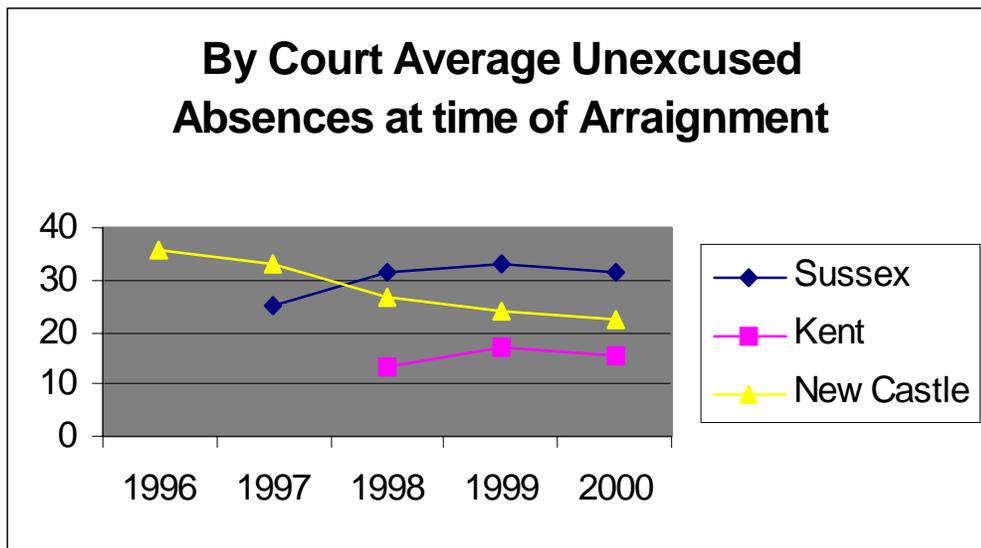
The new legislation has promoted a stronger relationship between the Justice of the Peace Court, the Visiting Teachers, the Department of Family Services, and the many private providers of treatment and education who work with families to support the Truancy Court efforts. Currently every truancy case where the student is between the ages of 5 and 12 and the parent has been convicted of "Failure to Send" their child to school the case is immediately referred to the Department of Family Services for investigation as "Educational Neglect". Through this collaboration, there is less duplication of service and a more focused effort to help families experiencing the challenges of truant children, among others.

Is the Truancy Court successful?

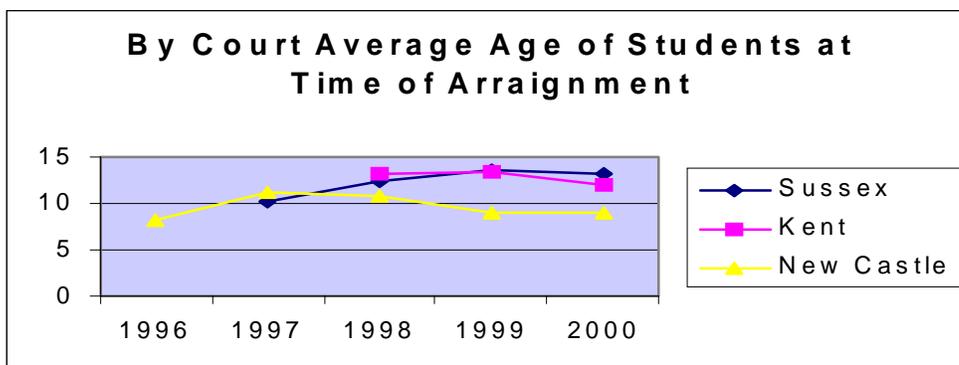
- In four years, the Truancy Court has developed from a rudimentary process into a system that makes parents and students accountable. It is now partnering with many public and

private agencies to create networks of service to support these families.

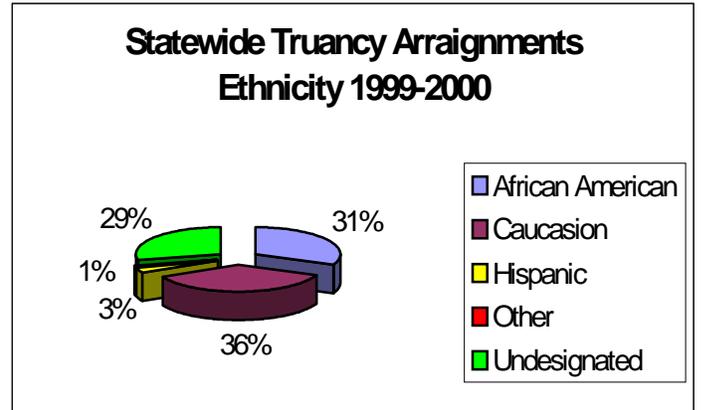
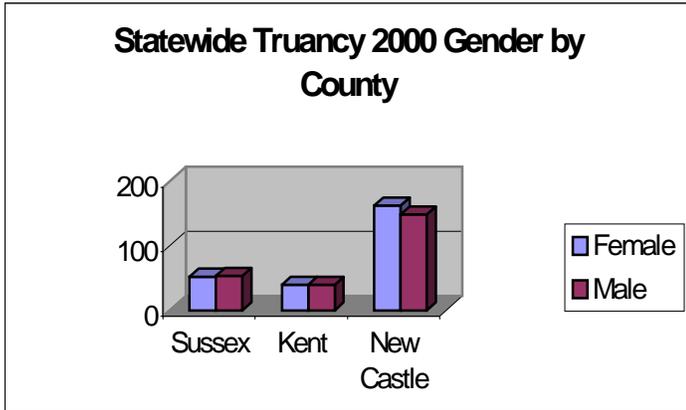
- An excellent indicator of success is that between 1999 and 2000 there was a 5% decrease in the average number of unexcused absences at time of arraignments, bringing the overall decrease to 35% statewide since the Truancy Court's inception. In 1996 the average number of unexcused absences was 36 days. In 2000 the average number of unexcused absences was reduced to 25 days, mostly due to the efforts of Visiting Teachers in Kent County and New Castle County.



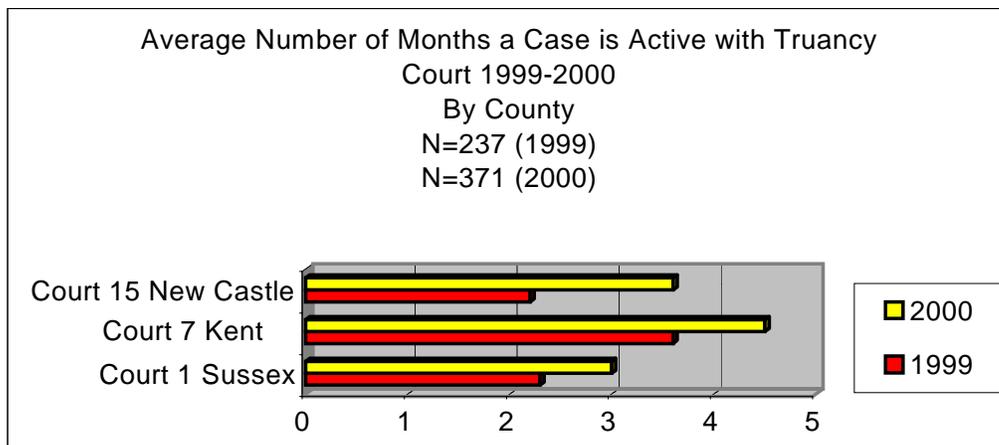
- The total arraignments conducted in Truancy Court from 1996 – 2000 were 1895, with the highest volume occurring from March through July of each year.
- The average age of students has remained relatively constant between 1997 and 2000, at 11 - 12 years old, with New Castle County targeting younger truants.



- Truancy case filings are evenly split between male and female students and information related to ethnicity is comparable among the counties.



- The average number of case reviews per case in 2000 varied, with an average of 4.5 in Kent and New Castle Counties, and 2.5 in Sussex County.
- Similarly, the average number of months a case is active before closure in 2000 varies from 4.5 months in Kent County to 3.5 months in New Castle and Sussex Counties.



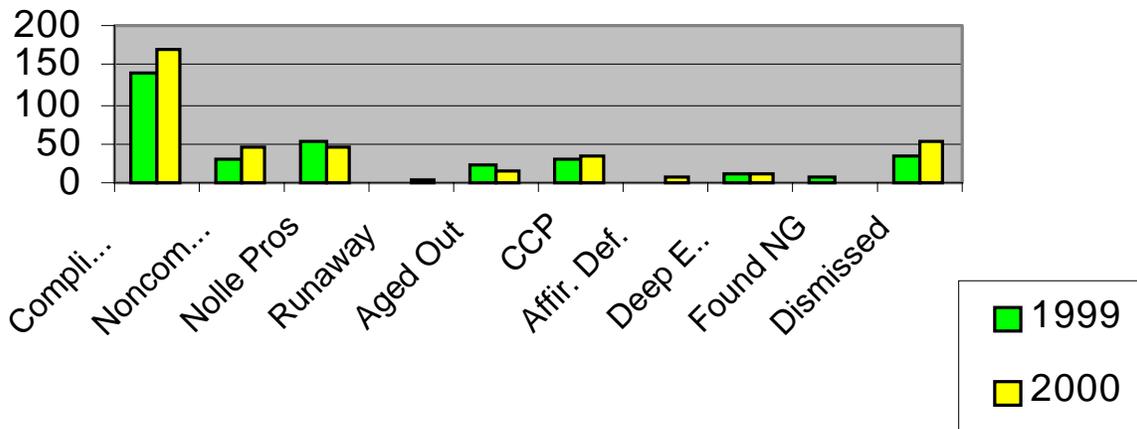
- School districts filing cases in Truancy Court include:

NEW CASTLE COUNTY	1999	2000
Appoquinimink	11	11
Brandywine	11	24
Christina	174	215
Colonial	49	44
Red Clay	47	39
TOTALS	292	333
KENT COUNTY	1999	2000
*Because We Care	0	4
Capital	26	25
Caesar Rodney	63	49
Lake Forest	27	31
Smyrna	23	28
TOTALS	139	137
SUSSEX COUNTY	1999	2000
Cape Henlopen	6	9
Delmar	3	7
Indian River	9	57
Laurel	3	3
Milford	0	4
Seaford	10	13
Woodbridge	2	15
TOTALS	33	108
*Alternative School (multi-district)		

Does Truancy Court help students get back to school?

- In 2000, 44 % of Truancy Court cases were successfully closed with compliance, while 26% were found non-compliant, among other final dispositions.

Statewide Truancy Final Dispositions 1999 (N=325cases)- 2000 (N=384cases)



Definitions for Dispositions

Compliance: Defendant participated and complied with all bond conditions set by judge. The student has returned to school and has improved attendance.

Noncompliance: Defendant did not participate or comply with bond conditions. Minimal or no improvement in student attendance.

Nolle Prosequi: Dismissal of the case by the Deputy Attorney General for varying legal and/or situational inconsistencies.

Runaway: Student is listed with local police as a runaway and no progress has been made in finding the child.

Aged Out: Student turned 16 during case review, compliance has been minimal and judge determines further intervention by Truancy Court will not have a positive impact.

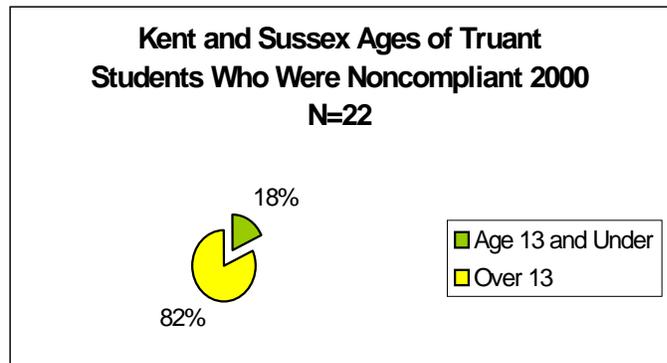
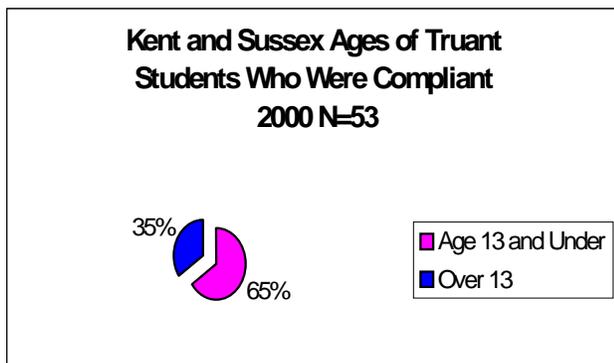
C C P: Defendant transferred the case to the Court of Common Pleas.

Affirmative Defense: The judge has determined that the defendant parent has done everything reasonably possible to comply with bond conditions and has still been unsuccessful in getting the student to attend school.

Deep End Service: Although student is truant from school, they are involved with other state systems providing legal and/or intense level of treatment and are beyond any intervention that Truancy Court might provide.

- Preliminarily, statistics on the long-term benefits of Truancy Court demonstrate good results: Based on a sample of 75 cases in Kent and Sussex Truancy Court in 2000, **74 % of truant students who achieved full compliance with Truancy Court completed the school year successfully. Only 25% of truant students found non-compliant in Truancy Court completed the school year.**

- Preliminary statistics also demonstrate the need to target younger truants to enhance success: Based on a sample of 75 cases in Kent and Sussex Truancy Court in 2000, **65% of the students who achieved full compliance were age 13 or under** (as compared to 35% for those who were over 13 years old). In contrast, **82% of the truants who were non-compliant were over age 13** (as compared to 18% of those who were age 13 or under).



Additional statistics, including those on New Castle County, should be available in the near future.

What are other recent Truancy Court initiatives?

Standardization of filing cases and electronic filing of cases statewide; additional day per month for truancy cases in Sussex County; coordinated scheduling of truancy cases by school district in New Castle County.

What do the Visiting Teachers think about Truancy Court?

In November of 2000, in order to measure and find indicators of system improvement over time, the Visiting Teachers participated in a Satisfaction Survey for the Truancy Court. **95% of responding Visiting Teachers supported the Truancy Court model; 97% felt the timeliness for processing cases was exceptional, with a time frame of 30 days or less between filing and arraignment.** Other responses from Visiting Teachers:

- The Truancy Court is helpful in linking families in need with community resources for evaluation, treatment and ongoing support, during and even after cases are closed;
- The scheduling of cases should be streamlined to minimize Visiting Teachers time away from actual management of truancy cases;
- Repeat offenders should have stiffer sanctions;
- More aggressive efforts should be made to pursue defendants who do not show up at court;
- There is a need for more Truancy Court days per month in Kent and Sussex County.



Where do we go from here?

- Enhanced support for **earlier intervention and reporting of truancy cases by school districts**, including intervening at an earlier age (pre- age 12) and reducing the average number of unexcused days at time of filing.
- **Increased funding and services for truant students between the ages of 13 and 15** to provide for intensive case management services of student's severe and chronic attendance problems. The truancy issue in the majority of these cases appears to be only a symptom of families that have been challenged in many other ways including substance abuse by parents, domestic violence, and single parent families with limited income. Truancy is a predictable outcome for a student from these types of families where their experience reduces motivation to return to school. From their viewpoint there is very little payoff. In many cases they have already missed so much school they will not pass for the given year and, in addition, many of them are one or two years behind in grade level. Socially they don't fit in with these younger peers. The Truancy Court seeks methods, and resources, to achieve better results with these older students.

- Consideration of legislation that increases the mandatory age for school attendance to 18.
- Establishment of a relationship with all school districts to gain access to follow-up information on truancy cases to measure for long-term effectiveness.
- Additional resources to assist the Justice of the Peace Court in managing the Truancy Court process.

*State of Delaware
Justice of the Peace Court
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