

Is your child involved in the Rhode Island Truancy Court Program?

The American Civil Liberties Union (ACLU) is our nation's guardian of liberty, working daily in courts, legislatures, and communities to defend and preserve the rights and liberties guaranteed to everyone in this country by the U.S. Constitution and laws.

The ACLU wants to ensure that students' and parents' rights are protected during Truancy Court proceedings. If you have any questions or concerns, please contact us.



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What should happen at Truancy Court Program proceedings?

According to its website, the Truancy Court Program is intended to operate in the following manner:

You and your child should receive a summons requiring you to appear before the Truancy Court at a school in your district.

The first time you appear, the magistrate should explain court procedures, go over all options available to you and inform you of your right to have your case transferred to Family Court.

If you and your child decide to participate in Truancy Court, your child will be asked to sign papers in which he or she will agree to attend school every day, be on time, behave in school and class and complete all class work and homework on time.

Once a week for at least the entire school year and maybe longer, your child may be required to appear before the magistrate and school administrators. You may also be required to attend. At the hearings, the school administrators are supposed to inform the magistrate about your child's attendance, behavior and academic accomplishments. If your child does not do what is expected of him, the magistrate may punish him or her.

Rhode Island Affiliate, American Civil Liberties Union

Know Your Rights in Truancy Court



What is the Truancy Court Program?

Rhode Island law requires that every child between the ages of 6 and 16 attend school. Rhode Island law further permits school districts to bring legal proceedings in the Rhode Island Family Court against children who “willfully and habitually absent[]” themselves from school in an effort to compel those children to go to school. Some Rhode Island school districts set forth the specific number of unexcused absences or tardies a child must have before that child may be considered “willfully and habitually absent.” Others do not.

In an effort to handle truancy matters informally and closer to home, the Family Court has established a Truancy Court Program to oversee these legal proceedings. The Truancy Court meets on designated dates at middle and high schools throughout the state and is presided over by magistrates who work closely with the schools.

In most cases, your child’s case will automatically be referred to the Truancy Court Program. However, you are not required to participate in that program. You may request that the magistrate transfer your case to the Family Court – where, unlike in Truancy Court, an attorney will be provided for you if you cannot afford one.

If you decide to remain in the Truancy Court, there are legal consequences to agreeing to participate.

What are the consequences to participating in the Truancy Court Program?

By agreeing to participate in the Truancy Court proceedings that are held in schools before a magistrate, your child:

- Must admit to being truant and give up any right to claim that his or her absences were legitimate.
- Will be required to attend Truancy Court hearings on a regular basis (usually once per week) – often with a parent or legal guardian. Before each hearing, the magistrate will check with your child’s school to find out whether your child is attending school, behaving and doing his or her homework.
- Will be subject to the oversight of the Truancy Court until the Court decides to dismiss the case against your child or your child turns 19.
- May be required to submit a doctor’s note for every absence from school due to illness.
- May be required to submit to drug testing.
- May be subject to a curfew or home confinement.
- May be removed from the home and placed in foster care.

What are your rights?

As in any legal proceeding, you have certain legal rights:

- You have the right to know the charges against your child.
- You have the right to know those charges far enough in advance of any hearing so that you can confirm whether they are accurate and legitimate.
- You have the right to speak with a lawyer before the proceeding and to bring a lawyer with you.
- You have the right to maintain that your child is innocent.
- You have the right to have your case heard before a judge in Family Court instead of participating in the Truancy Court Program.
- You have the right to be informed by the court of the consequences of participating in the Truancy Court Program.
- You have the right to be provided with an interpreter for court appearances and translation of court documents.
- You have the right to view any of the written reports submitted to the Truancy Court by your child’s school.

If you feel like your rights are being violated, you can contact the ACLU at 831-7171. The ACLU may not be able to help you directly, but will collect your information and advise if any other agency can assist you.