

Chisago County Attorney's Office
TRUANCY COURT PETITION REFERRAL
2021-2022

Date of Referral: ____/____/____

** Please fax completed form to 651.213.8401

Student Information

Student Full Name: _____

Gender: Male Female DOB: _____ Grade: _____

Parent/Guardian Information

(Parent/Guardian – primary residence, if multiple)	(Parent/Guardian – secondary residence, if multiple)
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
City, State Zip: _____	City, State Zip: _____
Phone: _____	Phone: _____

Student Lives with: Mother Father Guardian (Check all that apply)

Student has Native American Heritage: Yes No Unsure Tribe (If known): _____

Attendance Information

ABSENCES	
Date of FIRST Unexcused Absence	
Date of MOST RECENT Unexcused Absence	
TOTAL Number of Unexcused Absences	
Number of Unexcused Absences Accumulated During Any Distance Learning Days	

Please attach CURRENT attendance information as of the date of this referral.

Has Student/Parent reported any exposure to or positive test for COVID-19? No Yes

If Yes, When? _____

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How many of Student's absences are attributed to the COVID-19 exposure or diagnosis? _____

What steps has the school taken as a result of Student's COVID-19 exposure or diagnosis?

School Personnel Pre-Petition Referral Efforts: (Check all that apply. Include dates & copies, if available)

Meeting with Student No Yes Date(s) _____

Communication with Parents No Yes Date(s) _____ copy(s) attached

Mandated Doctor's Excuse No Yes Date(s) _____ copy(s) attached

In addition, the School District has undertaken the following actions to eliminate/reduce the student's absences:

- | | |
|---|--|
| <input type="checkbox"/> Provided Electronic Device (for distance learning) | <input type="checkbox"/> Confirmed with Parent/Student that Internet/Device(s) is accessible |
| <input type="checkbox"/> Provided Written Classwork Materials | <input type="checkbox"/> Provided Mobile Hotspot |
| <input type="checkbox"/> Adjusted Class Schedule | <input type="checkbox"/> Conducted Home Visit |
| <input type="checkbox"/> Adjusted Student's Program | <input type="checkbox"/> Requested SRO Assistance |
| <input type="checkbox"/> Arranged Transportation Changes | <input type="checkbox"/> Referred Student to AIM |
| <input type="checkbox"/> Provided Tutoring | <input type="checkbox"/> Made Referral for SPED Assessment |
| <input type="checkbox"/> Provided Individualized Instruction | <input type="checkbox"/> Reviewed/Changed IEP |
| <input type="checkbox"/> Engaged School Social Worker | <input type="checkbox"/> Referred for Counseling – Mental Health |
| <input type="checkbox"/> Engaged School Psychologist | <input type="checkbox"/> Referred for Counseling – Chemical Health |

Other Interventions Attempted by School:

Describe Engagement by Parent/Guardian regarding Student's attendance:

Further suggestions/recommendations for Student's success:

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School/Contact Information

Name of School: _____

School Contact/Personnel Name and Title: _____

Phone Number: _____ Email: _____

Would the School Like to be a Participant in the Truancy Proceedings: No Yes

QUESTIONS?

Please contact the Chisago County Attorney's Office at 651.213.8400

INSTRUCTIONS TRUANCY COURT PETITION REFERRAL FORM

These instructions are provided to assist school staff in completing the Chisago County Attorney's Office Court Petition Truancy Referral form. Pertinent information from school personnel is required before a referral can be properly processed. Failure to provide complete information may delay processing of the referral.

Under Minnesota law, a habitual truant is defined as a person under the age of 18 who is absent from attendance, without lawful excuse, for seven full days if the child is in elementary school, or for seven full or partial days for a child in middle school, junior high or high school.

Children under age 12, who have missed without lawful excuse, seven full days are to be referred to Chisago County Health & Human Services for an educational neglect assessment.

An Invalid Excuse May Include:

- Staying home to baby-sit
- Being tired
- Cold weather
- Missed bus
- Work
- Needed at Home
- Child is not immunized
- Runaway

A Valid Excuse May Include:

- Religious holiday
- Family emergency
- Illness (unless otherwise notified by mail that doctor or nurse verification is needed)
- Doctor's visit including mental health

These following are not considered trancies:

School Detention or Suspension
Homework Helper

Note: If the school sees a pattern of the parent(s)/guardian(s) enabling the child by excusing them as ill, we encourage the school to send a letter to the parent(s)/guardian(s) advising them that future illnesses need to be verified by the school nurse or by doctor's note. In extreme cases, the school generated letter can specify that the doctor's note must indicate the illness and verify that the child should not have been in school. Lacking this school generated letter, illnesses claimed by parents cannot be counted as truancy by the school.

TRUANCY REFERRAL FORM:

It is very important to complete all information on the form. Excluding necessary information may delay the processing of the truancy referral.

Student Information: Completing full name, date of birth, gender, and grade is essential. This information is needed if we petition the court.

Parent/Guardian Information: Names and addresses of both parents are needed if the school has access to that information. If the matter goes to petition, it is required by law that both biological parents are served with the Petition and provided notice of the Court Hearings. If the legal guardian is other than the parent, please note that information on the form.

Attendance Information: For children 12 years or older, it is necessary that absences have occurred on

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seven different days, but may be for partial days (do not have to be full days).

Pre-Petition Referral Efforts: Please take the time to complete this section by checking all interventions that have been attempted by the school to eliminate/reduce the student's absences/tardies. Be sure to provide dates and copies of any correspondence between the school and the parents. This will assist in assessing the appropriate level of intervention. If a letter was mailed to the parent(s) advising them that illnesses be verified either by the school nurse or by a doctor's note, please check the appropriate box and attach a copy of the letter.

What's NEXT?

Once **the court petition referral** form is completed, please send it, along with attachments, to the Chisago County Attorney's Office by U.S. mail or fax.

Mail to: Chisago County Attorney's Office
Attn: Truancy
313 North Main Street, Room 373
Center City, MN 55012

Fax to: Chisago County Attorney's Office
Attn: Truancy
(651) 213-8401

What Happens AFTER a Referral is Sent?

Case Screening: Once the referral is received by the Chisago County Attorney's Office, it is reviewed to determine if it is legally sufficient. This means that it is reviewed to determine that there is a pattern of truancy under the definition provided by law and there is supporting evidence to prove the case in court. If there is something missing from the referral, the contact person listed on the referral will be contacted and instructed what is required and how it can be corrected.

What happens if a CHIPS Petition is filed?

Petitioning: Petitioning to juvenile court may result when all other resources are exhausted. It should be everyone's goal to re-engage the child into school without court intervention. The school and/or parent will often make a recommendation to this decision; however, the Chisago County Attorney will make the ultimate decision of whether or not to petition to court.

The petition will be drafted by the County Attorney's Office and the County Attorney or Assistant County Attorney will sign as the Petitioner. Chisago County Attorney's Office will file the petition and support documents, if any, with the Court.

Court Hearings: Petitioning schools will be notified of all hearings set by the juvenile court. School officials will be welcomed to attend the Admit/Deny and Pretrial Hearing, but attendance at these preliminary hearings will not

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be required. Input from school personnel regarding recommendations for the disposition will be welcomed.

If the family does not admit to the petition at the first hearing, the court will set the matter on for a contested court trial. The school official who submitted the Truancy Referral will be asked to cooperate with the County Attorney's Office in preparing the case and will be required to provide in-person testimony at the court trial.

Truancy Court participants and their parents/guardians are required to report to every court appearance. Failure of a student to attend court may result in a warrant being issued and transportation to a shelter. Failure of a parent to attend Court may result in a contempt of court proceeding, issuance of a warrant and/or imposition of a fine.

Once a finding of habitual truancy is made by the juvenile court, a disposition will be adopted by the court that will require the student and/parents to complete case specific requirements. A review hearing will be held in 30 – 45 days before the same judge to monitor compliance. Each case will be reviewed on its own merits to determine the appropriate court disposition and subsequent review hearings to monitor compliance or need for modification of the disposition. School officials will be asked to provide timely updates on the student's attendance, academic performance and behavioral issues prior to the next court hearing. This information must be provided to the County Attorney's Office at least 7 days before each court hearing. School personnel are welcomed to attend Review Hearings, but will not be required.