

STATE OF VERMONT
RUTLAND COUNTY
OFFICE OF THE STATE'S ATTORNEY

Rosemary M. Kennedy
STATE'S ATTORNEY

Peter M. Bevere
CHIEF DEPUTY ATTORNEY

Karen K. Reynolds
Ian C. Sullivan
John D.G. Waszak
Travis W. Weaver
Megan A. Wilson
DEPUTY ATTORNEYS



Naomi Ross
VICTIM ADVOCATE

Rachael Ellison
ADMINISTRATIVE ASSISTANT

Anna Peer
Amber Patten
ADMINISTRATIVE SECRETARIES

December 3, 2018

Schools of Rutland County

In Re: Truancies

To Whom It May Concern,

As many of you are aware, Rutland County has one of the highest rates of truancy in the State. In an effort to strengthen the cases that we file and to eliminate some confusion regarding the circumstances of individual truancies, please find attached a click-and-fill Word template Affidavit of Truancy that I would like for all of the schools in the county to use when filing truancy cases with this office.

This affidavit format ensures that this office will have all of the information necessary to appropriately charge these cases. Please make sure to include all of the information requested in this template, and delete the placeholder text for any inapplicable information (such as paragraphs 7 and 8 if the juvenile has not reached 20 absences, and has no prior history). Please also add any additional information for unique circumstances. Incomplete affidavits will be returned for revision. If you are not familiar with this type of form, please let me know and I would be happy to meet to walk you through it.

Some notes on specific items included in this template that may not have been traditionally included in your affidavits:

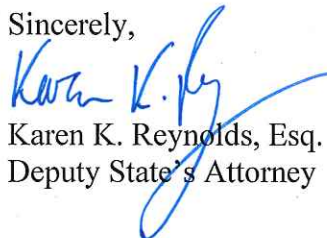
- Contact information for both legally established parents: Both parents are entitled to notice of any hearings and I am required to list both parents on the petition, even if one is non-custodial and has not had involvement. They are still entitled to notice by law.
- Parent's reaction to contact from the school and attempts at intervention: This shows that the school has made efforts to engage the parents prior to taking the drastic step of seeking court intervention, and indicates if the parent's attitude has contributed to the problem. Establishing these facts gives the filing more weight and credibility.

- Definition of “unexcused” absence: This definition seems to differ from school to school. It needs to be clear to the Court and the parties what an “unexcused” absence for your school means in order to determine if the absences are with or without justification to meet the definition of a truancy.
- Requirement for a Coordinated Services Planning Meeting (CSP) prior to filing: A CSP meeting will now be required prior to a truancy case being filed with the court. This requirement is based in part on the Department of Children and Families Policy #60, and through consultation with the local DCF office. Policy #60 provides DCF’s internal criteria for when and how they are to be involved in truanancies. A copy of this policy is publicly available at <https://dcf.vermont.gov/sites/dcf/files/FSD/Policies/60.pdf>.
- Involvement by the Department of Children and Families (DCF) Pre-filing:
 - For children ages 6 years old through 6th grade
 - DCF should receive copies of the 5, 7, and 10 day letters. 10 has traditionally been the third benchmark, but if you wish to wait until 14 days instead to give interventions more time, that is also perfectly acceptable.
 - DCF will become involved at the coordinated services planning meeting, which will ideally occur after 7 unexcused absences.
 - An intake should be made to the DCF 800# (1-800-649-5285) if/when the child reaches 20 unexcused absences.
 - If there are any concerns for the child’s safety other than truancy, those reports should be made immediately.
 - For children in 7th grade and above
 - DCF does not need to receive copies of the 5, 7, and 10/14 day letters, but otherwise the same procedure should be followed as for 6 years – 6th grade.
- Prior truanancies: Showing a pattern of prior truancy can bolster the assertion that the juvenile is “habitually” truant. It is also important to provide adequate notice to the parties that there is such a history, otherwise those facts may be excluded from testimony at a contested merits hearing.

Please also note that the cut off date for submitting truancy affidavits to this office is the second Friday in May.

Do not hesitate to reach out to me with any thoughts or questions.

Sincerely,



Karen K. Reynolds, Esq.
Deputy State’s Attorney