

Truancy Pre-Hearing

Family Code Chapter 65
Subchapter A

School sends referral to truancy court. Must be within 10 days of 10th absence unless prevention measures succeeding

FC 65.051; EC 25.0951

Truancy court refers truant conduct to prosecutor to review and determine whether or not to file a petition

FC 65.051/FC 65.052

See Truancy Court Adjudication Hearing Flow Chart for information from hearing to disposition

Prosecutor informs school and court if not filing a petition

FC 65.053(b)

Petition is filed with Truancy Court (no filing fee)

FC 65.054(a)-(e)

Cannot be filed if referral fails to meet Ed. Code 25.0915 requirements

FC 65.053(c)

Cannot be filed more than 45 days after last absence

FC 65.055

Court shall dismiss the petition if:

- If the court determines that probable cause exists to believe that the child has a mental illness
- Truancy prevention measures and/or special ed certification missing
- Elements of truant conduct not properly alleged
- Referral not timely filed, or
- Referral is substantially defective

EC 25.0951(c); FC 65.065

Court sets hearing. must not be scheduled on or before the 10th day from date petition filed.

FC 65.055(b)

Court shall order destruction of records that are held by court or by prosecutor if prosecutor decides not to file a petition after review

FC 65.203

Court summons parent/guardian, child, & any other person necessary, with a copy of the petition. Served personally, registered mail or certified mail, at least 5 days before hearing.

FC 65.057