

Truancy Reform

Changes in the Law Effective September 1, 2015

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History of Truancy in Texas

- Compulsory School Attendance – 1916
 - Children between 8-14, 100 days per year
- Parents responsible for ensuring children complied
- Children who didn't attend could be adjudicated as truants
 - Juvenile court
- 1995-2001
 - Juvenile court could transfer jurisdiction to county, municipal or justice court to be handled as CIVIL truancy OR
 - Could be filed directly with county, municipal or justice court as CRIMINAL as failure to attend school
- 2001
 - No longer civil in county, municipal or justice court; only criminal
- 2015 – New legislation discussed today

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Texas Court Structure & Jurisdiction

- District Court – General Jurisdiction Courts
 - Original Jurisdiction over Felony Criminal Matters
- County Courts at Law – Statutory Limited Jurisdiction Courts
 - Generally, Class A and B misdemeanors
- County Courts – Constitutional Limited Jurisdiction Courts
 - Generally, Class A and B misdemeanors
- Justice Courts – Constitutional Limited Jurisdiction Courts
 - Class C misdemeanors
- Municipal Courts – Statutory Limited Jurisdiction Courts
 - Class C misdemeanors
- Juvenile Courts
 - Delinquent Conduct or Conduct Indicating a Need for Supervision

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Delinquent Conduct & CINS vs. Criminal Offenses

- Delinquent Conduct (Family Code Sec. 51.03)
 - Conduct, other than traffic offense, that violates a penal law of this state or of the United States and is punishable by imprisonment or by confinement in jail
 - Ex. Felonies, Class A and B misdemeanors
 - Conduct that violates a lawful order of a court under circumstances that would constitute contempt of that court in a JP or municipal court, or a county court for conduct punishable by a fine
 - DWI, Flying While Intoxicated, Boating While Intoxicated; Intoxicated Assault, and Intoxication Manslaughter
 - Driving under the influence of alcohol by a minor (third or subsequent offense)
- Delinquent conduct is:
 - Prosecuted in a juvenile court
 - Not considered criminal in nature

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Delinquent Conduct & CINS vs. Criminal Offenses (cont.)

➤ Conduct Indicating a Need for Supervision (CINS) (Family Code Sec. 51.03)

- Conduct, other than a traffic offense, that is a Class C misdemeanor or violates the penal ordinance of any political subdivision of this state
- Voluntary runaway
- Huffing of paint or glue vapors, etc.
- Violation of a school district's previously communicated written Student Code of Conduct for which the child has been expelled
- Conduct that violates a reasonable and lawful order for services from a court
- Prostitution
- Electronic transmission of certain visual material depicting a minor (sexting)

➤ CINS is:

- Prosecuted in a juvenile court
- Not considered criminal in nature

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Delinquent Conduct & CINS vs. Criminal Offenses (cont)

➤ Conduct designated as a Class C Misdemeanor Offense may be filed against a child as a:

- Criminal offense in the justice or municipal court; OR
- CINS offense in the juvenile courts

➤ Class C Misdemeanor Offenses against a child:

- Are treated as criminal cases for all intents and purposes
- Result in a criminal conviction on the child's record
- Result in potential fines
- Result in criminal court costs that may or may not be waived
- Treated like an adult in many respects

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