



**UTAH JUVENILE COURTS**  
**APPROACH TO TRUANCY REFERRALS**  
**HB 239 AND HB 132**

**Utah Juvenile Court**  
**Administrative Office of the Courts**  
**450 South State Street**  
**Salt Lake City, UT 84114**

# HB 239 and HB 132

- HB 239 modified several statutes relevant to juvenile justice. Some components of HB 239 were effective on August 01, 2017 and the remaining components were effective on July 01, 2018.
  - One of the Significant HB 239 changes included:  
Eliminated the ability for schools to refer Class C Misdemeanors, Infractions, and Status offenses (including Truancy) to Juvenile Court.
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- HB 132 resulted in several statutory modifications, including allowing school-based offenses such as Truancy to be referred to Juvenile Court.
  - HB 132 was signed into law in March 2018.

# HB 132 Modifications

- HB 132 changes:
  - Under HB 132 schools may refer a minor to court for Truancy if the school first refers the minor to an evidence-based (EB) intervention and the minor refuses to participate.
  - Minors referred to Juvenile Court on Truancy cannot be ordered to secure detention for the offense or for the underlying Contempt/Violation of court order specific to Truancy.
- For Truancy referred to juvenile court, the school is required to:
  - Appoint a school representative who has to be engaged with the minor and the family throughout the court process.
  - Include following information when referring to the court:
    - Minor's attendance records
    - Report of EB alternative intervention and outcomes used by school before the court referral
    - Name and contact for the school representative assigned to participate in the court process
    - Any other relevant information
- **Subsection 53G-8-211(4) will sunset on July 01, 2020.** Schools will no longer have the ability to refer Truancy offenses to juvenile court.



# JUVENILE COURT APPROACH TO TRUANCY



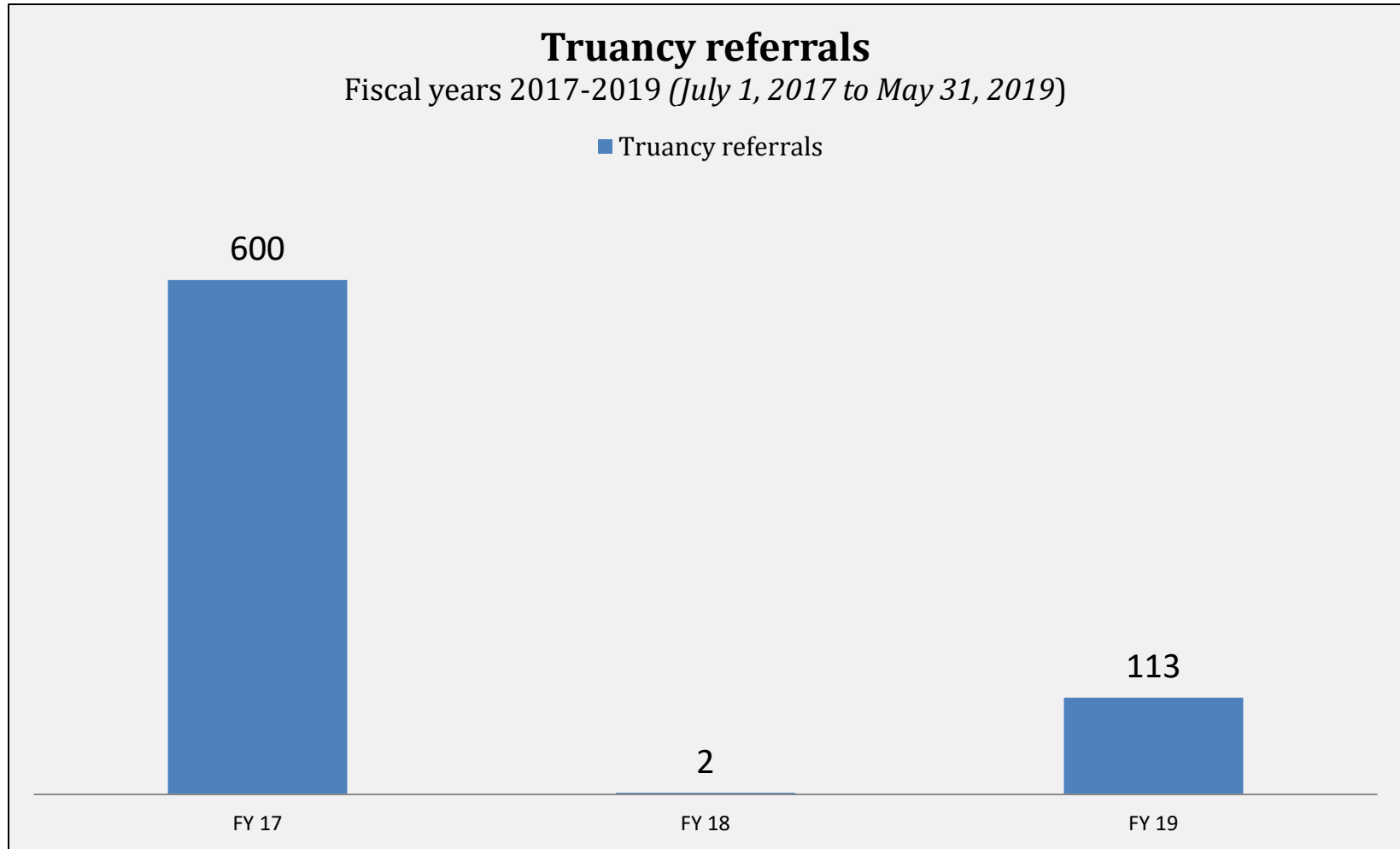
# Truancy referrals – Juvenile Court process



- Probation Officer (PO) is assigned to all school-based referrals to the Juvenile Court that meet the criteria outlined in HB 132.
- PO conducts a Preliminary Interview with the youth and family within 14 days of receiving a referral.
- During the Preliminary Interview, PO:
  - Reviews whether the referral qualifies for a nonjudicial closure
  - Reviews minor's legal rights, including right to an attorney
  - Gathers social information from the youth and family
  - Conducts the risk assessment (PSRA)
  - Addresses restitution to victims, if applicable
  - Completes the nonjudicial adjustment, if eligible
  - Refers the minor and family to appropriate interventions
- PO must offer a nonjudicial adjustment if the minor:
  - Is referred on a misdemeanor, infraction, or a status offense AND
  - Has no more than two prior adjudications AND
  - Has no more than three prior unsuccessful nonjudicial attempts

*\*Exceptions: Certain Misdemeanor offenses; Minor declines an NJ; High risk minors or Moderate risk for certain offenses; Minor not substantially compliant with NJ; etc.*

# Truancy referrals

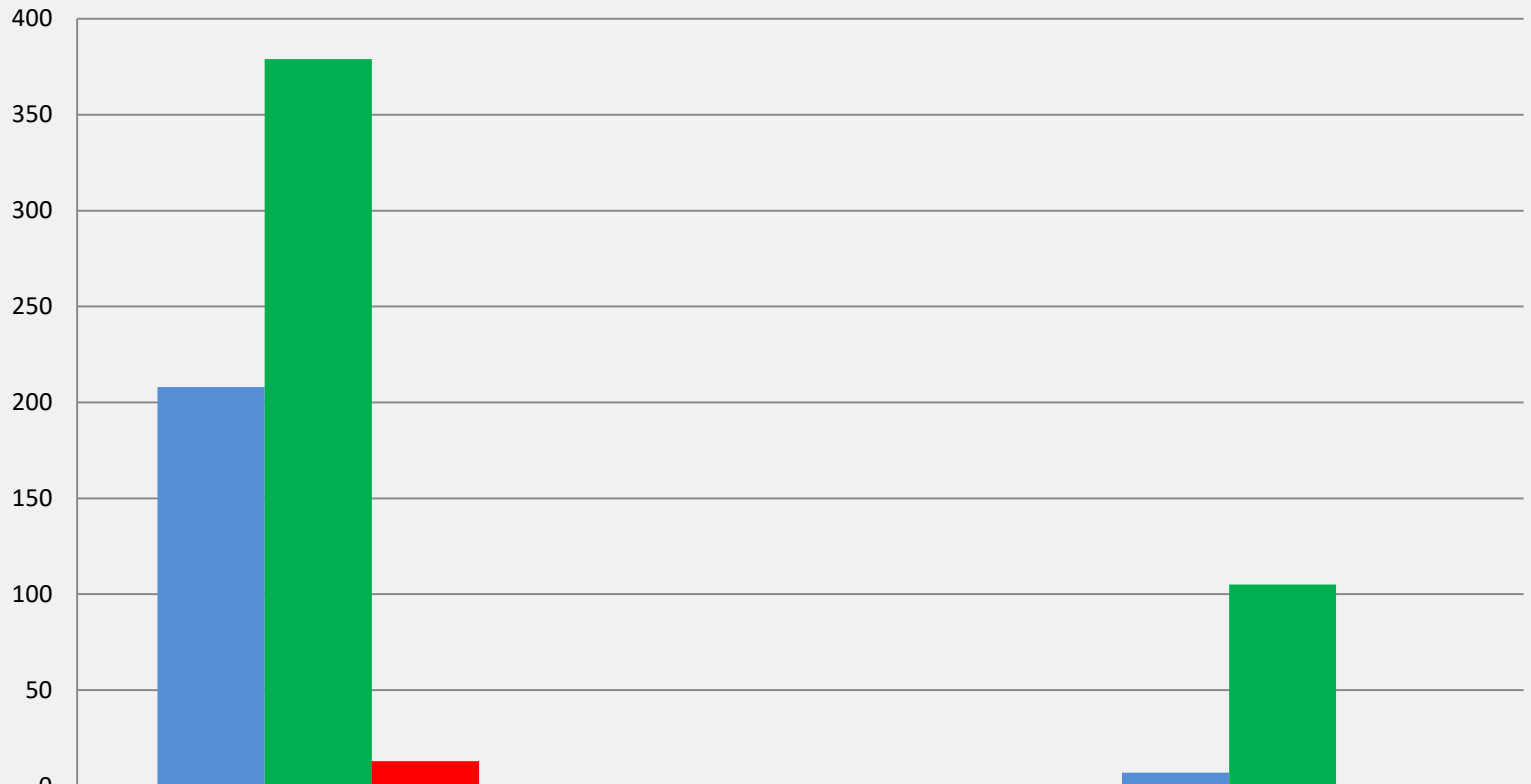


*\*Note: Fiscal year 2019 is not complete (ends June 30, 2019).*

# Truancy referrals - Closures



## Intake Decisions on Truancy Referrals

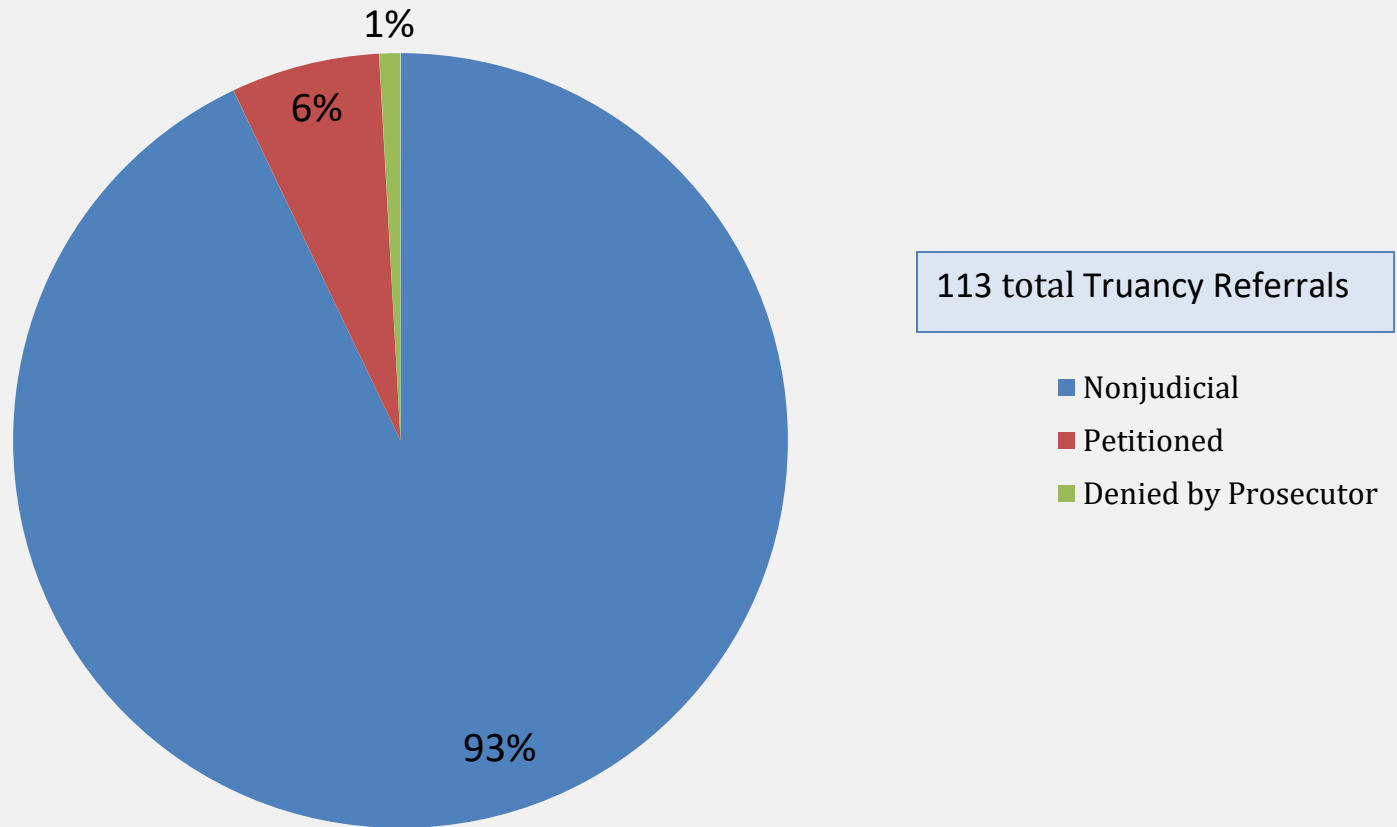


	FY-17	FY-18	FY-19*
<span style="color: blue;">■</span> Petitioned to Court	208	0	7
<span style="color: green;">■</span> Nonjudicial	379	1	105
<span style="color: red;">■</span> Denied by Prosecutor	13	1	1

# Truancy referrals - Closures



**Truancy referrals FY 19** *(July 1, 2018 - May 31, 2019)*



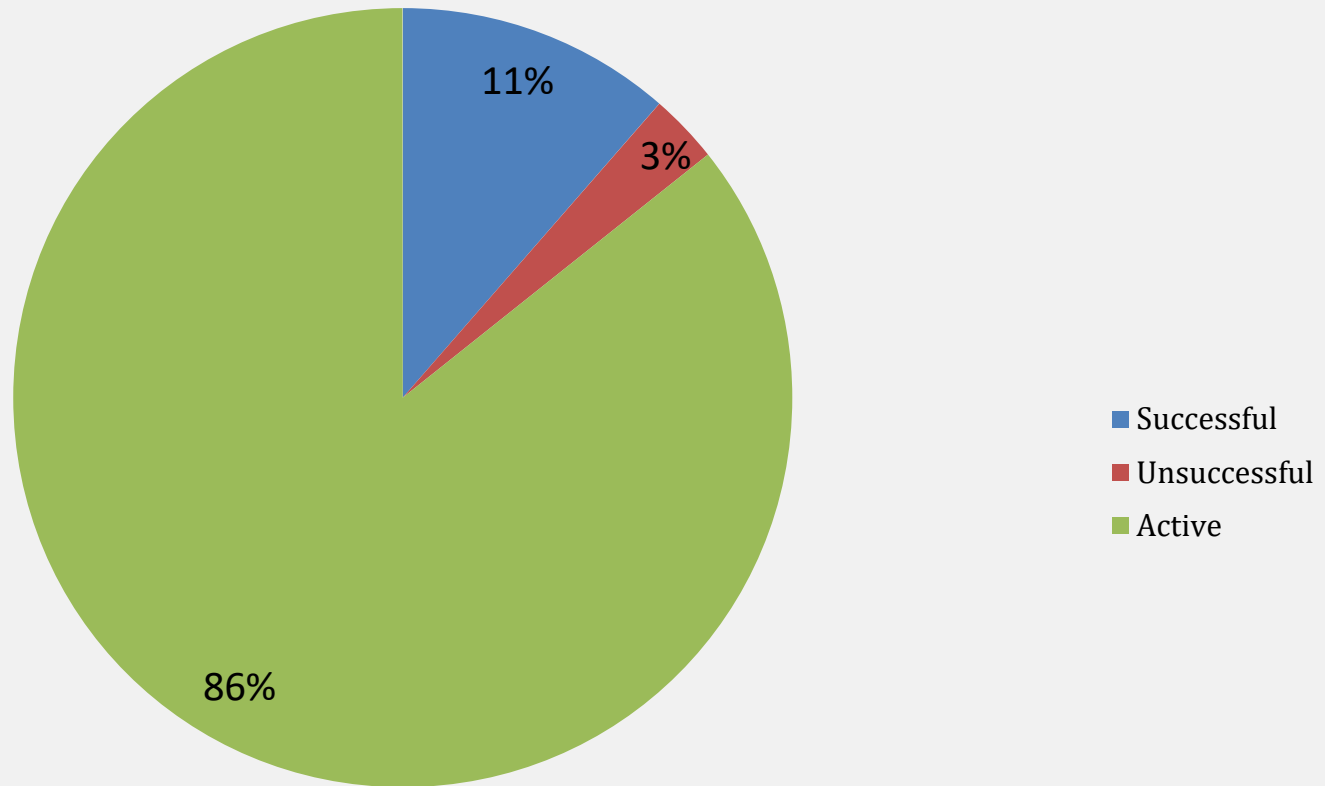
**93% of Truancy referrals are closed non-judicially**



# Truancy referrals – Nonjudicial outcomes



**Nonjudicial closures of Truancy Referrals**



**\*86% of nonjudicial adjustments on Truancy referrals are active and pending closure**

# Truancy referrals – Nonjudicial outcomes



- Data for Successful/Unsuccessful nonjudicial outcomes is not available for FY17 and FY18 as this is a recently implemented data feature in CARE
  - Majority (86%) of active nonjudicial adjustments for Truancy are active and pending completion due to:
    - Truancy generally becomes a concern 30-60 days after the school year begins
    - Schools must offer evidence-based interventions prior to referring Truancy to Juvenile Court
    - Truancy referrals are generally sent to the juvenile court in the later part of the school year
- \*Truancy referrals on 66 of the 90 active nonjudicial adjustments were received in March-May 2019.*
- All 90 pending nonjudicial adjustments are still active
  - Nonjudicial adjustment is typically open for 90 days with an option to extend another 90 days

# Juvenile Court and Schools - Collaboration



- Local probation departments train school districts on the Juvenile Justice reform
- Truancy Mediation conducted by the Juvenile Court mediators may be used by schools as a required school-based EB intervention prior to referring the minor to the Court for Truancy
- Juvenile Court Truancy mediation representatives travelled across the state and discussed/trained Truancy Mediation in local school districts
- School representatives are involved in all probation meetings with youth referred to Court for school-based offenses
- Probation officers are available to school resource officers and school personnel to discuss concerns with court involved youth

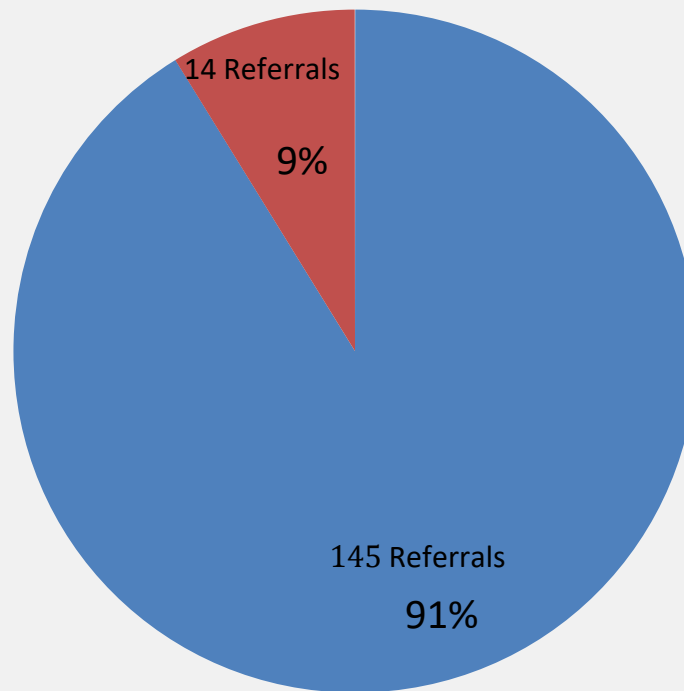
# Truancy Mediation

- Truancy Mediation may be utilized:
  - Prior to the Truancy referral to the Court
    - \*May be considered as one of the efforts by the school to provide an evidence-based intervention to the youth.*
  - After the Truancy referral to the Court
    - \*Condition of a nonjudicial adjustment. Truancy Mediation may be used post-referral to the court even if it was attempted pre-referral.*
- Simple referral process for schools by using a Google referral form that is automatically routed to the Local Mediation Coordinators.
- Truancy Mediator is assigned within 2 days
- Truancy Mediations last 2-3 hours and are conducted at the school with the student, parent(s) or guardian(s), and school staff involved with the student's attendance (principal, assistant principal, school counselor, school psychologist, etc.)
- If an agreement is reached, the mediator completes the Truancy Mediation Agreement with all parties
- If mediation is unsuccessful or parents/minor don't attend or refuse to participate, schools may refer Truancy to the Juvenile Court

# Truancy Mediation



## Truancy Mediation referrals

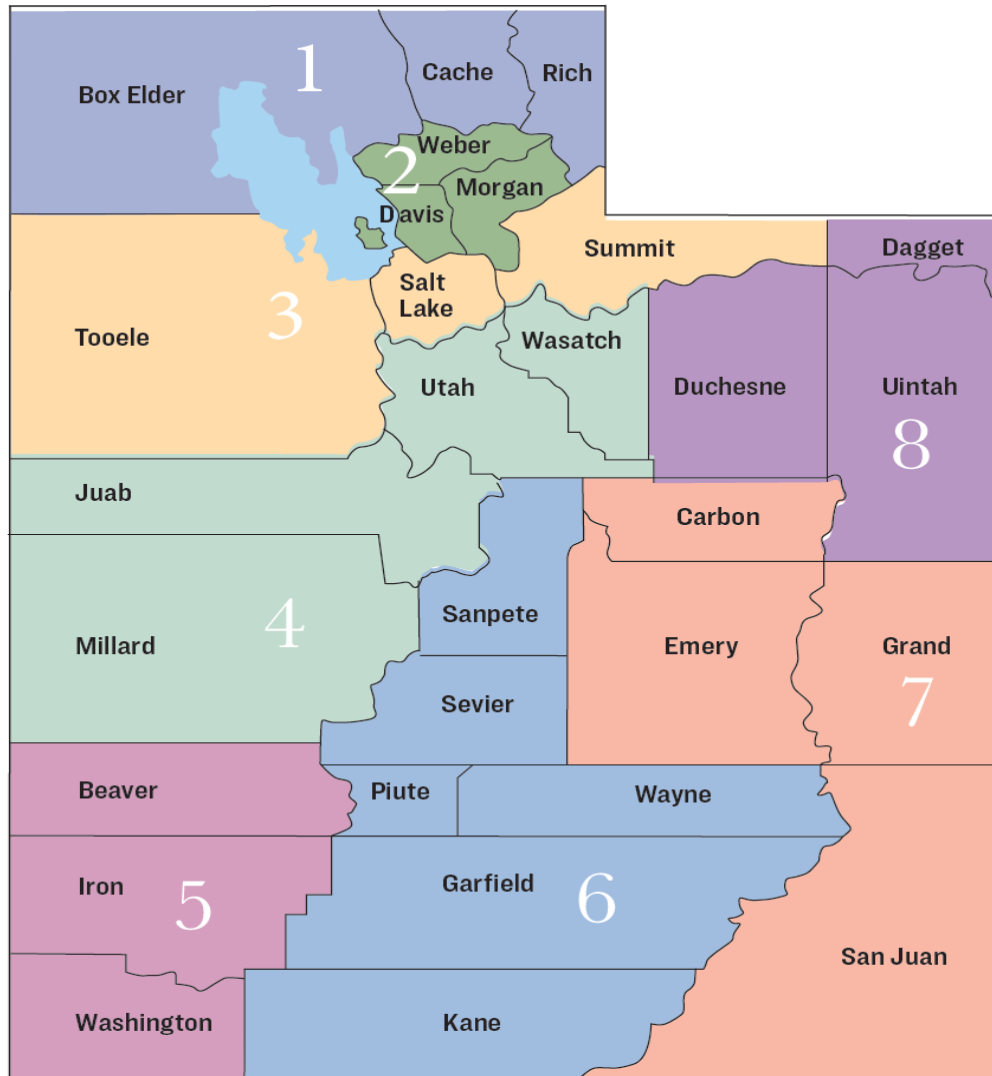


**TOTAL: 159**

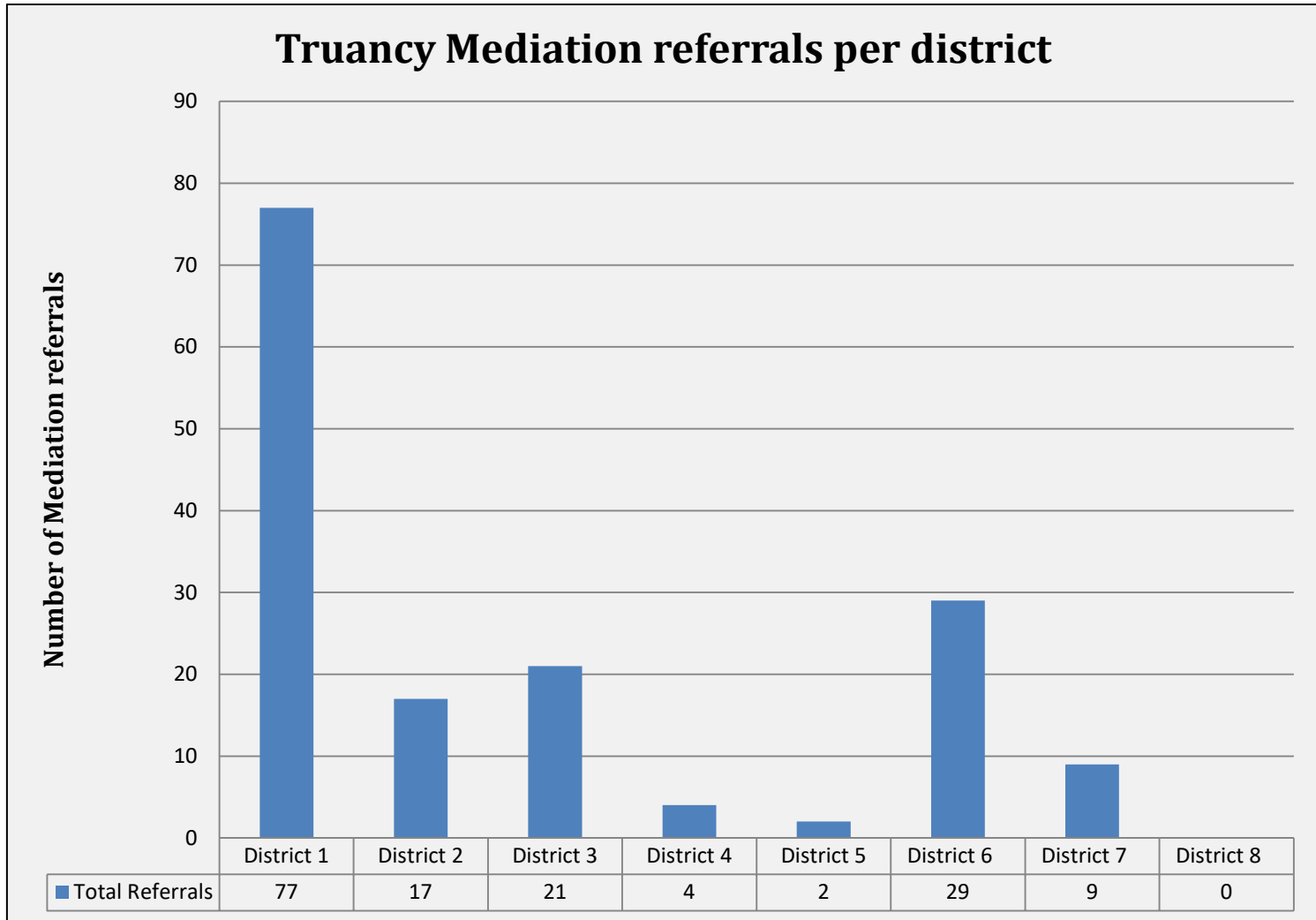
Number of requests for truancy mediation : **159**

- Requests submitted before a Truancy referral to juvenile court for : **145**
- Requests submitted after a Truancy referral to juvenile court : **14**

# Judicial Districts



# Truancy Mediation – District Referrals



# Truancy Mediation



- Number of students referred to truancy mediation (12 students were referred twice): **147**
- Number of Truancy Mediation referrals: **159**
  - Referrals accepted: **153**
  - Referrals not accepted: **6**
    - *Reasons: Student under 12 or over 18 years old*
- Of the 153 accepted referrals
  - Mediation held: **116**
  - Mediation not held: **37**
    - *Reasons: Cancelled by school or parent; Parent no show*
- Of the 116 Mediations held:
  - Agreement reached: **113** (*97.4% resolution rate*)
  - No agreement reached: **3**

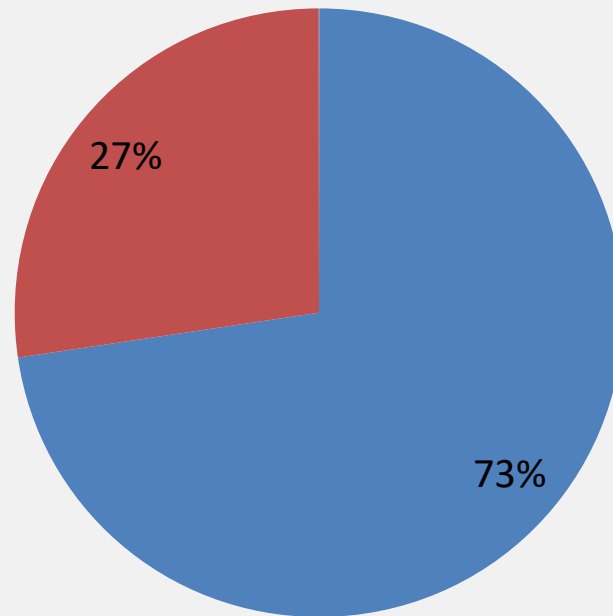


# Truancy Mediation - Recidivism



## Recidivism after Truancy Mediation

■ No subsequent referral to court   ■ Subsequent referral to court



- 105 successful Truancy Mediations held prior to Truancy referral to the Court
- 29 of the 105 (27%) referred to juvenile court for Truancy following a successful mediation

# Truancy Mediation



*“At Box Elder High School [we] have been using mediation as an evidence-based intervention since January 2019. We have had more success with this than other interventions we have tried. I believe mediation is more effective because it helps get to the root of what is causing the truancy and develop a plan to improve attendance. Having the student help develop their plan to attend school gives them ownership and empowers them to make better choices. I highly recommend mediation as an intervention to help students get back on track to attend school.”*



QUESTIONS?

