

## **INSTRUCTIONS AND INFORMATION FOR NEW TRUANCY FORMS**

With the passage of HB 2398, justices of the peace find themselves handling a brand-new type of case, truant conduct, in a brand-new type of court, truancy court. With that in mind, the Training Center has promulgated some new forms for truancy courts to use in these cases.

### **GENERAL INSTRUCTIONS**

The Training Center has promulgated forms both in Word format and a fillable PDF format. The fillable PDF contains directions for filling in each blank, which you can see by hovering your mouse over the blank. Additionally, a digital signature may be pasted into the signature blank, enhancing the convenience of using that format.

Whichever format you use, keep in mind that **only the child's initials should be used in the style of the case** (the part above the title of the form). On some forms, the child's full name will appear (such as the petition and the summons). Nonetheless, the style of the case is mandated by Family Code 65.054(b) to be "In the matter of \_\_\_\_, Child", identifying the child by the child's initials only. Be sure and use this format in any docket listings involving truant conduct cases.

### **INSTRUCTIONS FOR SPECIFIC FORMS**

**Expunction Forms** – Please see the Training Center's Expunction FAQ for detailed instructions regarding these forms.

**Referral Form** – This form is ultimately the responsibility of the school district that is initiating the referral, but the Training Center offers this form as a template in the event that one is needed.

**Petition** - This form is ultimately the responsibility of the truant conduct prosecutor that is filing the case, but the Training Center offers this form as a template in the event that one is needed. Additionally, the Training Center does not recommend that the court fill this form in for the prosecutor, though you may make them available, for example, when the prosecutor is there for criminal cases.

**Summons Forms** – The Training Center developed three summons forms, one for the child respondent, one for the parent/guardian with an order for them to bring the child, and one for a parent/guardian or other necessary party without an order to bring the child. Under the Family Code, the court can summon any party it feels is necessary to dispose of the case.

**Rights Information Sheet** – This form is not required by any statute, however the Training Center developed it to allow courts to inform children accused of truant conduct of their rights in a clear and concise manner. The court could send this form with the petition and summons, or hand it

out at the adjudication hearing. Note that sending this form does **not** relieve the court of its obligations to notify the child of rights under the Family Code.

**Answer Form** – This form can be used by the court to record the respondent’s answer to the allegations, and explains to them some of their rights in the case. Again, a court could send this form with the petition, or wait and hand it to the respondent at the adjudication hearing.

**Rights Waiver Form** – This form may be used by the court to record the respondent’s desire to waive certain rights in a truant conduct case. In order to waive a right, it must be waivable, the respondent and their parent/guardian must be informed of the right and told they are not required to waive it, and the respondent and their parent/guardian (and attorney, if any), must sign the waiver in writing.

**Remedial Order (coming soon)** – The Training Center will be releasing shortly remedial orders, one to use for the child, and one to use for a parent/guardian or other person against whom the court finds necessary to impose orders. These forms must be handed to the person against whom the order is entered.

**Contempt Forms (coming soon)** - The Training Center will be releasing shortly contempt forms, including hearing notices, as well as orders, one to use for the child, and one to use for a parent/guardian or other person against whom the court finds necessary to impose orders.

**Sealed Records Forms (coming soon)** – The Training Center will be releasing shortly an application that someone adjudicated as having engaged in truant conduct can file when they turn 18 to have their records sealed. Additionally, TJCTC will be releasing a form courts may use to order those records sealed.