

Truancy Adjudication Hearing

Family Code Chapter 65
Subchapter A

Interpreter *must* be appointed for individuals that do not understand and/or speak English, as well as for deaf individuals, including the parent/guardian. *FC 65.013*

If found to be engaged in truant conduct, court orders appropriate remedial actions (found in *FC 65.102(a)*) Court must pronounce those actions in child's presence and must put them in writing. *FC 65.102(a)*

After petition filed, child may answer, orally or in writing, at or before the hearing. If child doesn't answer, general denial is presumed. *FC 65.060*

If child and guardian are present, court proceeds with hearing. *FC 65.062*

If child is not present, court **must** reset hearing. *FC 65.062(a)*

Child is present but guardian is not, court may proceed. *FC 65.061(a)*

Child entitled to a jury trial. *FC 65.101(b)(6)*
Trial by jury unless waived. *FC 65.101(c)*

Court may appoint guardian ad litem if parent or guardian isn't present or ad litem or attorney if court believes guardian is incapable of making decisions. *FC 65.061(a)*

Child may put on evidence, including affirmative defenses. *FC 65.101(e), 65.003*

State puts on evidence (must prove beyond reasonable doubt). *FC 65.010*

Court or jury (jury must be unanimous) determines, beyond reasonable doubt, engaged in truant conduct. *FC 65.101(h)*

If child was not found to be engaged in truant conduct, court must dismiss the case. *FC 65.101(h)*

Court must advise of right to appeal. *FC 65.102(c)(1)*

Court must advise about procedure for sealing record. *FC 65.102(c)(2)*

Court may enter an order against a parent or other person. *FC 65.105(a)-(c)*

Court may order \$50 court cost paid by child, parent, or other responsible person but **only** if able to pay. *FC 65.107(a)*

