



# CITING MINORS FOR HABITUAL TRUANCY

## Protocol for Law Enforcement

Pursuant to WIC § 256, minors who are not on probation, deferred entry of judgment, or court ordered diversion, and who have been deemed an **Habitual Truant**, per Education Code § 48262, may be cited into Informal Juvenile Court for violation of WIC601(b), an infraction. The Honorable Commissioner Sefton has agreed to hear these cases, wherein penalties of completing 20 – 40 hours of community service, paying a maximum fine of \$50.00, and/or suspension of driver's license, per Vehicle Code § 13202.7, may be enforced. Students who are on probation, deferred entry of judgement, or court ordered diversion cannot be cited and instead should be referred to the Probation Department.

In order to ensure consistent enforcement, the following procedures have been established for Law Enforcement:

1. School personnel will follow procedures required by Education Code sections 48260, 48260.5, 48261, and 48262 in deeming a juvenile an habitual truant.
2. A Verification of Habitual Truant form will be issued at a school district's School Attendance Review Board (SARB) Hearing or by the County Truancy Board, regardless if a parent fails to appear.
  - a. The signed original form shall be placed in the juvenile's school records folder.
  - b. A copy shall be issued to Law Enforcement.
  - c. A copy shall be made available to the juvenile and/or their parent(s)/guardian(s).
3. Once the aforementioned requirements have been met, a juvenile who has been deemed an habitual truant may be referred to the appropriate law enforcement agency.
4. Law Enforcement may issue a citation to a juvenile deemed an habitual truant by citing Welfare and Institutions Code § 601(b). A citation may also include § 13202.7 of the Vehicle Code, provided the juvenile is also issued a 13202.7 VC advisement form.
  - a. Appearance dates shall be set out 30 to 45 calendar days and be assigned as follows:
    - North County:
      - The 3rd Wednesday of each month, at 10:00 AM
      - Superior Court at 901 Park Street, Paso Robles, CA 93446
    - San Luis Obispo:
      - The 3rd Thursday of each month, at 3:00 PM
      - Superior Court at 801 Grand Avenue, San Luis Obispo, CA 93408
  - b. An Officer's Report of Citation Information (not a crime or arrest report) is to be completed and accompany the citation, along with:
    - A signed copy of the Verification of Habitual Truant form (provided by school personnel).
    - A copy of the juvenile's current school attendance (provided by school personnel).
    - A signed copy of the 13202.7 VC advisement form (optional).