**ADJUDICATION HEARING EXPLANATION**

**TO THE CHILD, PARENT, GUARDIAN, GUARDIAN AD LITEM (SEC. 65.101, FAMILY CODE)**

**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**IN THE MATTER OF** *Child’s Initials* **, § IN THE TRUANCY COURT**

**A CHILD §**

**§ CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** *or*

**§ PRECINCT NO. \_\_\_\_\_\_**

**§**

**§ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_COUNTY, TEXAS**

**By statute, at the beginning of an Adjudication Hearing, the Judge of the Truancy Court is required to explain the following to the Child and the Child’s parent, guardian, or guardian ad litem.**

1. **The Allegations Made Against the Child:** You are here because the Truant Conduct Prosecutor has filed a petition alleging that, as a child required to attend school, you have failed to attend school on 10 or more days or parts of days within a six-month period in the same school year, and the absences have not been excused by a school official, and none of the absences were involuntary.
2. **The Nature and Possible Consequences of the Proceedings:**

**Child:** If you are found to have engaged in Truant Conduct, the court shall determine the appropriate remedial action and may order you to: (1) attend school without unexcused absences; (2) attend a preparatory class for the high school equivalency examination if the Court determines that you are unlikely to do well in a formal classroom environment due to your age; (3) if you are at least 16 years of age, take the high school equivalency examination administered under Section 7.111, Education Code, if that is determined to be in your best interest; (4) attend a nonprofit, community-based special program that the court determines to be in your best interest; (5) complete not more than 50 hours of community service on a project acceptable to the court; and(6) participate for a specified number of hours in a tutorial program covering the academic subjects in which you are enrolled that are provided by the school you attend. In addition to these orders, the Court may order the Department of Public Safety to suspend your driver’s license or permit. If you do not have a driver’s license or permit, the court may order the Department of Public Safety to deny the issuance of a license or permit to you. A remedial order is not a conviction of a crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify you in any civil service application or appointment. In addition, if financially able to do so, the court will order you or your parent or guardian to pay a $50 court cost.

**Parents and Others:** If a child has been found to have engaged in truant conduct, the Truancy Court may: (1) order the child and the child’s parent to attend a class for students at risk of dropping out of school that is designed for both the child and the child’s parent; (2) order any person found by the court to have, by a willful act or omission, contributed to, caused, or encouraged the child’s truant conduct to do any act that the court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the court determines to be injurious to the child’s welfare; (3) enjoin all contact between the child and a person who is found to be a contributing cause of the child’s truant conduct, unless that person is related to the child within the third degree by consanguinity or affinity, in which case the court may contact the Department of Family and Protective Services, if necessary; (4) after notice to, and a hearing with, all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the child’s rehabilitation; (5) order the child’s parent or other person responsible for the child’s support to pay all or part of the reasonable costs of treatment programs in which the child is ordered to participate if the court finds the child’s parent or person responsible for the child’s support is able to pay the costs; (6)  order the child’s parent to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the child’s unexcused absences and in developing strategies for resolving those problems; and (7)  order the child’s parent to perform not more than 50 hours of community service with the child.

1. **The Child’s Privilege Against Self-Incrimination:** A child alleged to have engaged in Truant Conduct has the right to not testify against himself orherself. If, however, the child decides to testify or give evidence, anything he or she says can and will be usedagainst the child in deciding whether the child has engaged in Truant Conduct.
2. **The Child’s Right to Trial and to Confrontation of Witnesses:** A child alleged to have engaged in Truant Conduct has the right to trial. At trial, the State will be required to prove Truant Conduct beyond a reasonable doubt. The child has the right to call witnesses to testify for the child, and has the right to confront and cross-examine the witnesses that the State might call.
3. **The Right to Representation by Counsel:** A child alleged to have engaged in Truant Conduct has the right to be represented by an attorney but representation by an attorney is not required. A child is not entitled to have an attorney appointedto represent the child, but the Court may appoint an attorney if the court determines it is in the best interest of the child. The Court may order a child's parent or other responsible person to payfor the cost of an attorney appointed under this section if the court determines that the person has sufficient financial resources.
4. **The Right to a Jury Trial:** A child alleged to have engaged in Truant Conduct has the right to have a jury make the decision whether the child engaged in truant conduct, or the child may waive the right to a jury trial and have this Court make the decision. Trial is by jury unless a jury is waived in accordance with Section 65.008, Family Code.

*(Court seal)*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Judge, Truancy Court

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, acknowledge that the Court has explained the above to me. I am: ☐ the Child, ☐ the Child’s Parent, ☐ the Child’s Guardian, or ☐ the Child’s Guardian Ad Litem in this matter.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

**Note: The Court should retain copies of this document. Each copy should reflect the acknowledgment of the child and the child’s parent, guardian, or guardian ad litem. A copy should be provided to each acknowledging party.**