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Chairman Brenner, Vice Chair Hayes, Ranking Member Fedor, and Members of the House Education Committee my name is Megan Farley and I am the Juvenile Prosecutor in Clark County, Ohio. Thank you for the opportunity to speak with you today about HB 410.

Education has always been an important part of my life, my mother worked in special education and before going to law school I was a substitute teacher. So when I started as juvenile prosecutor and learned that I prosecuted everything from truancy to murder, I assumed that truancy couldn't possibly take up much of my time and that truancy cases should be pretty simple. I was wrong. In Clark County we take truancy very seriously because we know how closely related truancy and future criminal behavior is linked. A lot of my delinquency cases have previously been through the court or diversion program for truancy.

Because we take truancy so seriously, the Juvenile Court has made some very positive advances with how we address truancy. This starts with how collaboratively all those involved work together, including myself, the court, the probation department, and the schools. Early intervention is stressed for truancy cases in Clark County. We hold two truancy forums annually where we provide training to schools and work together to find good answers to the truancy problem.

The Juvenile Court has a mediation program with three mediators on staff. A majority of their mediations are to address school issues, particularly attendance. These mediations are held before a student meets the unexcused absence threshold for a truancy complaint filing. One of the mediators followed up with his cases and tracked progress for the 2014-2015 school year. Out of 328 mediations performed; 231 or 73% showed improvement, meaning that I never saw these as truancy cases. 91 or 27% showed no improvement and truancy charges were filed in many of these cases against parents or juveniles. I encourage the schools to hold mediations as soon as a problem is noticed and the schools have done this and as you can see there is a great improvement with early intervention.

When early intervention is not successful and a complaint is filed against either the student or the parent, those cases are screened at the weekly Truancy Review Meeting. Every Thursday afternoon at Clark County Juvenile Court is Truancy Day. It starts at 1:30pm when we hold a truancy review meeting with the probation department, prosecutor, and school officials who have cases to present.

With Juvenile cases we discuss the juvenile's history with the court and determine if their case will be referred to diversion or if it will be made official. Juveniles with no history with the court will have their case sent to diversion and if diversion is successfully completed then the case will be closed and sealed. Some juveniles are not eligible for diversion because they have been through it before for truancy or delinquency or

are currently on probation with the court for truancy or delinquency. Other juveniles may have been on diversion or probation in a previous case for either truancy or delinquency and we discuss whether they should have the chance to try diversion again or if the case should be made official. Juveniles who successfully complete diversion never have their case heard in court and never have to meet with the prosecutor.

Adult contributing cases are also discussed, reviewed, and approved by the prosecutor. The prosecutor's office approves the adult cases because of how serious they can be, an adult found guilty of contributing to the delinquency or unruliness of a minor can be sentenced to up to 180 days in jail and up to a $1000 fine. Because of this, I have instituted a policy that I approve all charges to be filed against parents.

Adult contributing cases or juvenile cases that are made official are sent to the official court docket and are arraigned on a future Thursday afternoon. Our court does not have a diversion for adults, but for some first time adult offenders I offer them an unofficial pre-trial diversion that has come to be known as the "Truancy Deal". With this deal, if the parent can ensure that all of their kids get to school every day, on time for 6-8 weeks then I will dismiss the case. Juveniles are offered the "Truancy Deal" less often than adults because juveniles have the option to go through diversion with the court, but I have made this offer to some juveniles as well.

If a juvenile or adult is found delinquent or guilty of their case then the court has a general disposition. The court places them on probation, orders a fine and court costs, and a jail or detention sentence. For adults, they are sentenced to 180 days in jail, with 120 days suspended and the remaining 60 days to be served in 20 day increments over the next three months. For juveniles, they are sentenced to 90 days in the detention center with 60 days suspended and the remaining 30 days to be served in 10 day increments over the next three months. On the date that each jail or detention sentence is scheduled to begin the court reviews the case and if the students are attending school then the jail or detention sentence is vacated. If the students are not attending school the parent or juvenile should come to court expecting to go to jail or juvenile detention.

This might sound harsh, but please keep in mind all the ways that an adult or juvenile had to avoid jail or detention before a sentence is actually imposed. They could have fixed the problem after mediation, diversion, unofficial diversion with a Truancy Deal, and after adjudication or conviction while working with a probation officer. Most will never have to serve a jail or detention sentence and will change behavior and go to school, some will serve one sentence, and a few will serve multiple sentences. The immediate consequence of jail or detention has been the strongest deterrent that the court can impose.

Under HB 410, the court will not be able to have the immediate consequence of detention time for juveniles who are adjudicated for truancy because that initial adjudication will be for an unruly level charge and juveniles cannot be ordered to detention for unruly charges. It is only after a juvenile violates a court order from that unruly adjudication will they be able to be adjudicated delinquent and have detention time as a potential consequence. For example, let's say a high school student starts missing school and by Thanksgiving has missed 65 hours of school. His parents are notified by the school and nothing happens, absences continue. Once the student has been absent for a total of 72 hours, an absence intervention team is started for this student. It could be up to 40 more days before the intervention plan is developed. And the student still misses school so the case is sent to court diversion which can be a 90 day program, but that doesn't work either. So finally it is nearly the end of the school year and the student has missed most of the school year or at least hasn't been there enough for him to receive a meaningful education for this year of high school and finally the case comes to court, where it can take another 30-60 days before the student is adjudicated unruly and the court can order that the student attend school, but now it is summer.

The system that we have in place in Clark County has the same goal as HB 410 and that is to ensure that every student attends school each day on time. To address the truancy problem, we also have the same goal of using jail and juvenile detention as consequences as a last resort. We have learned that having those consequences available as immediate consequences has a longer term effect on curbing truancy than waiting for

several additional hearings before being able to impose a sentence. Under HB 410, it seems that it will take much longer to actually address the truancy problems. I agree that early intervention is necessary and encourage it here, but I am asking that you do not take away the court's ability to craft a program that works for its community.

Listed below are three case examples from Clark County and they are just a sampling of what we see. I could give examples for hours and explain all the ways that the court tailors a response based on what is needed for each individual case, but perhaps it would be better for some of you to see this in person. The Clark County Juvenile Court would be happy for any of you to join us for a truancy Thursday afternoon to see how we work together to address this growing problem.

Again thank you for your time today, I would be happy to answer any questions.

Case Examples from Clark County

Sheyanne B. is a 23 year old parent with four children under the age six. A contributing charge was filed against her because her kindergarten student had missed most of the school year. When she came to Court we learned that she was essentially homeless and staying with friends or family, she had transportation problems, and did not have a stable home environment. She wanted her kids to learn but she did not know how to stabilize herself. I approached the magistrate and together we developed a plan with Sheyanne to help her. We set up family stability meeting for her so that she could receive the appropriate services to help her stabilize her family and we helped her work with the Department of Job and Family Services to help with her education and job skills. During this process we learned that when she was a juvenile she had had at least four truancy filings and her cases had been bounced between Clark and Montgomery counties while she was bouncing between foster homes. It became clear that she didn't know how to live as a stable adult because she had not been a stable child. She was eventually placed on probation so that the probation department could help and follow up with all the services that had been put into place. For the 2015-2016 school year, Sheyanne's children have not had attendance problems and Sheyanne has not had to serve any of the jail sentences that were suspended for her.

Brigid M. is a high school student who missed a lot of school for alleged medical problems. I say alleged because one of the claims was that she was allergic to her braces and they made her throw up and that's why she missed school. The school tried interventions and when those failed Brigid's case was referred to the court's diversion program. Brigid denied her charge in diversion and because of that her case was made official. Based on her lack of history with the court, I offered her the "Truancy deal" and when we came back to court in six weeks, Brigid had not improved her attendance at all. I told her that because she had not held up her end of the deal, I couldn't dismiss her case. She was eventually placed on probation, but continued to miss school. While doing field visits at schools, Brigid's probation officer learned that she was not at school, so he called her mother. Her mother reported that Brigid was sick, so the probation officer decided to go to the home to check on her. When he arrived he discovered that Brigid was not home and he called her cell phone in front of her mother. Brigid told him that she was not sick, but rather that she had stayed the night at a friend's house, woken up late and just didn't go to school. The next day he learned from the school that Brigid had turned in a doctor's note for the day before which was puzzling because Brigid had told him that she was not sick. When the probation officer called the doctor he learned that the doctor had not seen Brigid in his office but that her mother had called, after the probation officer had left, to report her daughter sick and get a note for school. Brigid turned that note into school when she returned. The probation officer filed a probation violation for Brigid and she was sent to the detention center after admitting violation. Her attendance has greatly improved since her detention sentence and she has not served any additional time.

Michaela B. is a high school student who attended private catholic school but her family's financial situation changed and she had to leave that school. It took six weeks for Michaela to become enrolled in a new school, eventually enrolled in an online program through the local city school district, and then her attendance

became a problem. Her case was referred to diversion but the problems continued and her case was eventually made official. Throughout her case, we learned that Michaela was taking on a lot of financial burden for her family and was over stretching herself to work two jobs and not tending to her education at all. When I met with Michaela, she was the most nervous person I had ever seen and it was because she was taking on too much as a child. Michaela and her Mom worked with her probation officer to come up with a better plan for Michaela's education and to take away the burdens that she took on as a child. A few months later, when I saw Michaela for a review of her case, she looked healthy and happy. Her Mom was also happy and proud of her daughter because they had come up with a better system for the family where Michaela could be a teenager and Mom handled the family finances. Michaela never had to serve a detention sentence and her probation was terminated early. Michaela's Mom embarrassed her daughter in the best way at her final court review; she brought a picture of her daughter dressed up for the homecoming dance to show us how beautiful her daughter was and how well she was doing in school.