

9.05 - HABITUAL TRUANCY. (Rep. & recr. #338-99) 

(1)

Any person under 18 years of age is prohibited from being a habitual truant as that term is defined in §118.16(1)(a), Wis. Stats., or its successor statutes.

(2)

In this section, "habitual truant" means a pupil who is absent from his/her school without an acceptable excuse pursuant to the above-referenced statute for part or all of five or more days during a school semester.

(3)

Upon a finding of habitual truancy, the court is authorized to enter a Dispositional Order containing some or all of the terms and conditions authorized by §118.163, Wis. Stats., and/or §938.342, Wis. Stats., or their successor statutes including but not limited to:

(a)

Suspension of the child's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(b)

An order for the child to participate in counseling, community service, or a supervised work program as described in §938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parent or guardian of the person, or both.

(c)

An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his/her home if the child is accompanied by a parent or guardian.

(d)

An order for the child to attend school or an educational program as described in §938.34(7d), Wis. Stats., or its successor statute.

(e)

Order the Department of Workforce Development to revoke, under §103.72, Wis. Stats., a permit under §103.70, Wis. Stats., authorizing the employment of the person.

(f)

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Order the person to be placed in a teen court program as described in §938.342(1g)(f), Wis. Stats., or its successor statute.

(g)

A forfeiture of not more than \$500.00 plus costs, subject to §938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(h)

Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(i)

An order placing the person under formal or informal supervision, as described in §938.34(2), Wis. Stats., for up to one year.

(j)

An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(4)

SCHOOL ATTENDANCE. No person shall, having under his/her control a child who is between the ages of 6 and 18 years, allow that child to be in noncompliance with §118.15, Wis. Stats., or its successor statute.

(5)

CONTRIBUTION TO TRUANCY. No person 17 years of age or older, by any act or omission, shall knowingly encourage or contribute to the truancy of a child. An act or omission contributes to the truancy of a child, whether or not the child is so adjudged if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(6)

Pursuant to §938.355(6m), Wis. Stats., juveniles found to have violated a municipal habitual truancy ordinance enacted pursuant to Chapter 118, Wis. Stats., or who have been found in need of protection or services under §938.13(6), Wis. Stats., and who subsequently violate the court's dispositional order may, as a sanction, be placed in secured detention for not more than 5 days for each violation of the court order.

(7)

PENALTY WHEN NON-EXPRESSED. Violations of this Ordinance for which no penalty is set forth, shall be punished as set forth in §25.04, General Code of the County of Lincoln.