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A Parent's Guide to Truancy: Defending a Child Experiencing School Attendance Issues



**Massachusetts
Appleseed**
Center for Law & Justice



Boston University School of Law

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Glossary

Throughout this guide, you may see terms and abbreviations related to truancy that you may not recognize. Learning these terms will make navigating this confusing process easier.

A **504 Plan** provides accommodations to students with disabilities. Its goal is to get rid of learning barriers for students by providing them equal access to education. A parent/guardian may request a special education evaluation to determine their child's eligibility for a 504 Plan at no cost to them.

In this guide, we will use the term **"Attendance Issues"** to talk about children who struggle to get to school regularly. Sometimes, these children are made to go through a legal process called a Child Requiring Assistance Case, or "CRA" (see below).

A **Child Requiring Assistance ("CRA") Case** is the legal process you will go through if your child's school thinks they are "truant." This is a civil (not criminal) case where the school asks the Juvenile Court to do something about your child's attendance issues. This can result in referrals to service providers or even a transfer of custody to DCF after a hearing. CRA cases are confidential and not available to the public.

Chronic Absenteeism describes children who miss 10% of all school days in the school year. These absences can be excused or unexcused. This is different than "truancy" and does not have the same legal consequences that truancy does. This guide specifically focuses on "truancy" cases.

A **CRA Petition** is a document that, when submitted to the Juvenile Court, starts the CRA process.

The **Department of Children and Families ("DCF")** is a state government agency in Massachusetts focused on the safety of children. If there are concerns about a child's wellbeing, they will step in and might take custody of the child.

The **Department of Elementary and Secondary Education ("DESE")** is a state government agency in Massachusetts. They manage the state's public schools serving children grades pre-k through 12.

A **Family Resource Center ("FRC")** is a social services organization that provides resources to families in need.

A **Functional Behavior Assessment ("FBA")** is an evaluation done by a mental health professional to see why a child is behaving a certain way. If you think your child may have a disability or mental health issue, you can ask their school to do one for you.

An **Individualized Education Plan ("IEP")** is a document that provides specialized instruction, services, and accommodations for students with specific disabilities (ex. speech classes). A parent/guardian may request a special education evaluation to determine their child's eligibility for an IEP at no cost to them.

In truancy CRA cases, parents/guardians will often be given an **Informal Assistance Agreement**. This agreement will include regular meetings with a probation officer and may also contain referrals to services (ex. a counselor). Both the parent/guardian and child have to approve of the plan.

Massachusetts General Laws ("MGL") refers to all ratified or formally approved laws in the Commonwealth. These laws cover many different topics, including school attendance.

"Probable Cause" is the legal standard that has to be met for a CRA case to go to a Fact-Finding Hearing (pg. 15). If the Juvenile Court finds probable cause, it means they believe your child might need the court to step in and get them help.

A **Probation Officer or PO** is a person who makes sure that court orders are being followed and works with people to improve their behavior. Throughout the CRA process, you will work with a probation officer to create a plan to help your child get to school.

Truancy is a legal word for when a child misses too many days of school unexcused. In Massachusetts, a child is considered “habitually truant” if they “willfully” miss more than 8 days of school in a quarter, 16 days in a semester, or 11 days in a trimester.

The word “**Willfully**” has a specific definition when it comes to truancy. In Massachusetts, a child is “willfully” missing school if their reason for not attending could be a warning sign for future juvenile delinquency. A child who is acting out is more likely to be called “truant” by the court than one who is missing school for reasons outside of their control.



Introduction

This guide, created by the Massachusetts Appleseed Center for Law and Justice (“MA Appleseed”) and Boston University School of Law’s Access to Justice Clinic (“BU Law’s Access to Justice Clinic”), is a resource for families whose children have a hard time going to school everyday. Schools sometimes go to court when kids miss too many days of school. This can be a confusing process and tough experience, but there are things you can do to prevent bad outcomes. To do this, it is important to understand:

- Why is my child struggling to go to school?
- How can I and/or the school encourage my child to go to school?
- What issues affecting my child's attendance can the school help with?
- What resources are there to help me and my child?

THE CAREGIVER’S ROLE IN HELPING A STUDENT WITH ATTENDANCE ISSUES

There are many reasons why a child may not be able to/want to attend school. This could be anything from bullying to mental health issues to homelessness. Being labeled as “truant” can put a wrench in a student’s education and worsen your family’s relationship with the school. The best thing a parent/guardian can do in this situation is **be involved**. You know your student’s situation better than any other adult in their life.

Typically, a child’s caregivers are their best advocates.

MA Appleseed and BU Law’s Access to Justice Clinic have prepared this guide to help you understand the truancy process from a legal perspective. We will break down laws regarding truancy, the various meetings and hearings that you may take part in, and ways you can advocate for your child throughout this process.

Note that we will occasionally use the word “truancy” as it is the legal term for when a student is absent from school for more than 8 days without an excuse. We understand that this term can have negative connotations because it makes a student’s attendance issues seem like their fault and/or their caregiver’s fault. In reality, this issue is almost always caused by situations outside of their control, and families should not be made to feel bad for experiencing it. Your child is not a “bad kid” and you are not a bad parent or guardian - do not feel embarrassed for looking for support.

DISCLAIMER:

This guide should not be taken as legal advice. It is an educational resource that is up-to-date as of February 2026.

The Law of “Truancy”

WHAT ARE MASSACHUSETTS’S SCHOOL ATTENDANCE LAWS?

Like every state, Massachusetts has a “compulsory school attendance law” saying that all students between the ages of 6-16 must be enrolled in some kind of school. This can include your local public school, a private school, a state-approved homeschooling program, an approved online school or a Career and Technical Education program. These laws exist because the state wants to make sure that every child gets an education.

If you need help finding a school for your child, [MA’s Department of Elementary and Secondary Education \(DESE\)](#) has a [School Finder](#) tool where you can find local schools, including evening and vocational/career-based programs (ex. welding).

WHAT IS “TRUANCY?”

In Massachusetts, a child is “habitually truant” if they “willfully” miss **more than 8 days of school unexcused in a quarter** (MGL ch. 119 section 21). If your child’s school uses “semesters” instead of “quarters,” this requirement goes up to 16 absences. For schools that break their calendars into “trimesters,” the requirement for truancy is missing 11 or more days.

You may have heard of the term “chronic absenteeism.” This is different from “truancy.” When talking about truancy, we are specifically talking about absences that are not excused. “Chronic absenteeism” can refer to either unexcused or excused absences. DESE defines chronic absenteeism as missing at least 10% of all school days in a school year - about two days a month. If you have a child who may be considered chronically absent, [this resource](#) may be useful in helping you improve your child’s attendance before it reaches the level of truancy.

WHAT DOES “WILLFULLY” MEAN IN THE CONTEXT OF SCHOOL ATTENDANCE ISSUES?

MA’s state Supreme Court spelled out what “willfully” means in the truancy context in a case called ***Millis Public Schools v. M.P.*** The court decided a child has “willfully” failed to attend school if they are doing so purposefully and for reasons that could be a warning sign for future juvenile delinquency. More simply, the court is more likely to say that a child is “truant” if they think the child behaving badly and the behavior can be stopped (ex. Playing hooky or skipping school to hang out with friends). If the reason for the child’s attendance issues is outside of their or their family’s control (ex. transportation issues), the child is less likely to be deemed “truant.”

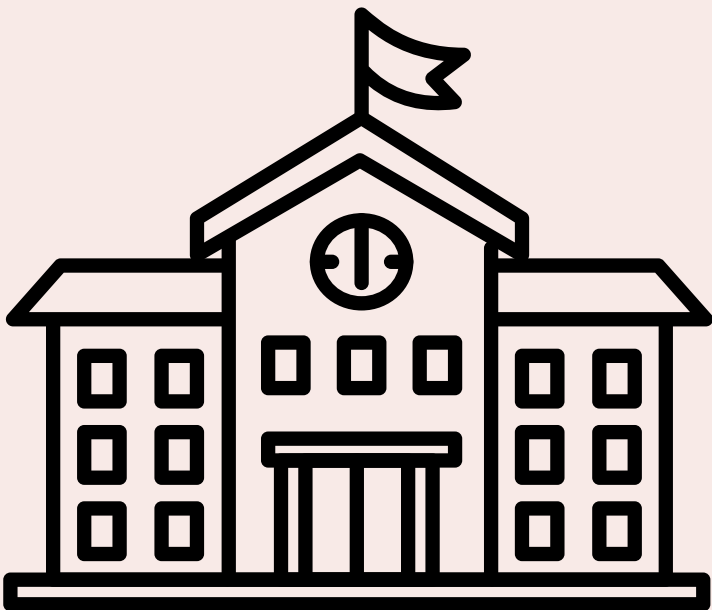
A judge is the one who decides if a child is willfully missing school. They will look at that specific student’s reasons for not attending school and decide if they are valid. If the child is missing school for a good reason (ex. a chronic illness), they are less likely to be deemed truant. The child having a mental or physical disability is not always seen as a valid reason, since not all disabilities keep children from going to school. When you are advocating for a student with attendance issues, it is important to show the court that their experiences or conditions make going to school hard (ex. My child is being bullied and is too scared to go to school).

Bringing in evidence, like medical records or letters from a therapist, can help the judge better understand the issues preventing your child from going to school more often.

WHAT ARE THE POTENTIAL CONSEQUENCES TO MY CHILD IF THE COURT SAYS THEY ARE “TRUANT?”

- “Truant” students have to go through the court system.
- Students may also be monitored by the juvenile court, who may:
 - Assign them a probation officer.
 - Have them go through a court-mandated service (ex. a counseling program)
 - Involve the Department of Children and Families (DCF).
- If you have a middle schooler, being labeled truant may also impact their admissions into high schools.
- The judge may give custody of your child to DCF until their attendance improves or other changes happen. That may mean that your child will be placed in a foster home or group home.

The court process can be upsetting for a child, as they could hear adults from their school speak badly of them. This could then lower their self-confidence and worsen any mental health issues they may have.



WHAT ARE THE POTENTIAL CONSEQUENCES FOR PARENTS/GUARDIANS IF THE COURT SAYS THEIR CHILD IS “TRUANT?”

There could also be consequences for the caregivers of “truant” students:

- Parents/guardians of children who miss **7 or more full school days (or 14 half-days), unexcused in a six-month period**, could have a criminal case brought against them for **“failing to send”** their child to school.
 - If found guilty, you will have to pay a \$20 fine and the criminal charge will be on your criminal record.
- Under the **Learnfare Rule** (106 CMR, § 703.170), parents/guardians of students with poor attendance may also partially lose their TAFDC (Transitional Aid to Families with Dependent Children) benefits.
 - Children between 6-16 years old who receive TAFDC must be going to school. If your child has too many unexcused absences, you may lose their portion of the TAFDC grant.
- DCF monitoring your family (ex. meetings with a probation officer)
 - The court may give DCF custody of your child. They will then monitor your family and may place your child in a different home. DCF may also look at how you are caring for other children in your home.

The court process can also be hard for parents/guardians, who may hear other adults speak poorly about their children.

Throughout this process, you can advocate for your child. The next few sections of this guide, which break down the legal processes related to truancy, will give you a better understanding of how to defend your kid throughout this ordeal.

Guiding Principles When Advocating for a Student with Attendance Issues

Here are some guiding principles to keep in mind as you and your child navigate the truancy process:

- **Be involved!** You know your child's situation more than any other adult. Use that knowledge and advocate with them.
- **Familiarize yourself with your school district's attendance policy**, which should be easily accessible via the school's code of conduct.
- **Familiarize yourself with the [statewide attendance guidelines](#).**
- **Request an interpreter** at parent conferences, school meetings, and court hearings if you prefer to communicate in a language other than English, do not speak or understand English, need cued speech, and/or speak sign language.
- **Request access to all written school records** related to your child, including attendance records, disciplinary reports, and reports of behavioral patterns.
- If you are worried that your child may have a disability, including a mental health issue, that is making it hard for them to get to school, you can tell the school to do a **“special education evaluation”** for your child. If you request an evaluation, the school must do it.
- If you are worried that your child is being bullied at school, you should tell the school's principal in writing.
- **Keep written documentation** of your child's medical records and all of your interactions with school officials, especially about accommodations or attendance.
- Keep written documentation of all the **steps you and your family have taken** to get your child to school (ex. Letters from a counselor). During a preliminary hearing or fact-finding hearing, you will likely use these as evidence to show that you as the parent/guardian have made an effort to get the child to school regularly.
- **If any hearing is scheduled, always attend** and go to court early if you can.
- **Work with your child's assigned attorney** to create the best possible defense. That attorney can help challenge the school's case against your child in court and outside of court at school meetings.
- Most importantly, **do not be afraid** to push back against the school or probation officer! **Feel free to negotiate any agreements you are asked to make** if you believe the court's ideas will not help your child.

Your Rights During the CRA (Child Requiring Assistance) Process

If the school brings you and your child to court because of the student's attendance issues, you will go through the CRA (Child Requiring Assistance) process. During this process, you as the parent/guardian have:

- The right to **attend all court hearings**.
- The right to be **represented by an attorney at any hearing where the judge considers removing your child from your custody** and/or home. If you can't afford an attorney, the court will give you one.
- The right to **an interpreter** if you and/or your child need one.
- The right to **appeal** your case. More on appealing a CRA case can be found on page 16.

Your **child has all the same rights** you do. They also have a right to an attorney at all hearings. This attorney will be provided by the court and will be a different one than yours if you have one.

If you want to request an interpreter, it is best to do it in writing. You can do this by emailing the Trial Court Office of Language Access at **OLA2@jud.state.ma.us** with your court date, which court your case is in, and what language you need interpretation in. You can also request an interpreter by calling the court or asking the court staff (usually the clerk's office) in-person. They legally have to provide you with a free interpreter.

MassLegalHelp has a resource to help you tell the court what language you need interpretation in [here](#).

A Simple Breakdown of the CRA Process



Initial Meeting with School (pg. 11)

Discuss a plan to improve attendance. If this plan doesn't work, school files a CRA petition

Preliminary Hearing (pg. 12)

Judge decides if there is "probable cause"/a possibility that the child needs help.

Fact-Finding Hearing (pg. 15)

Judge decides if the child is a CRA (Child Requiring Assistance)

Conference (pg. 17)

Discussion on what steps to take to help the child get to school regularly

Disposition Hearing (pgs. 17-18)

Judge gives the child a set of rules that they have to follow

Before a CRA Petition is Filed

Before a school or school district files a CRA petition and starts the court process, they **must meet with you first**. Massachusetts law requires that the school make an effort to meet with the parent or guardian of a student who has 5 or more unexcused absences. **The purpose of this meeting is to make an action plan to improve the student's attendance.** This plan must be signed by school officials, the student, and their parent or guardian. Some common steps that are taken are temporary transportation plans (ex. a different bus pick-up time or having an adult walk them into the school building after they are dropped off) or functional behavioral assessments ("FBA").

Schools may (but not always) refer you to a Family Resource Center ("FRC"). You can also go to an FRC yourself without a referral. Family Resource Centers have different kinds of resources and can sometimes set you or your child up with certain mental health services. [You can find the FRC that is nearest to you here.](#)

If the action plan does not work and your child has missed more than 8 days of school unexcused, schools can then file a CRA (Child Requiring Assistance) petition. This starts the court process. In this case, they would specifically file a truancy petition.

ABOUT FUNCTIONAL BEHAVIOR ASSESSMENTS

If you believe that your child may have a mental health issue or disability that is making it hard for them to go to school, you can ask the school for a functional behavioral assessment or FBA. How this works is that a mental health professional will watch your child at school for a set period of time on a few different days to see what is triggering or upsetting them. The professional evaluator can also come to your home and observe your child there if that works better for your family (ex. Your child struggles to get out of bed in the morning). Then, they will write a report with recommendations saying what the school can do to help your child get to school on a regular basis.

You can email your school asking for this assessment and do not need to give a reason why you want it. If the school agrees to do the FBA, the assessment will be free. Under federal law, the school is required to identify kids with mental, emotional, and behavioral needs and give them the accommodations they need.

The Preliminary Hearing

The CRA process starts with a preliminary or initial hearing in front of a judge. Before the hearing, you, your child, your child's attorney, and the probation officer will meet to discuss an action plan.

There are three that ways these hearings can end:

1. Dismissed for a lack of "probable cause."
2. Informal assistance with the help of a probation officer ("PO").
3. The judge/PO requests a fact-finding hearing (more on these later).

PROBABLE CAUSE

If the judge finds probable cause, it means that they think your child might need some kind of help and a fact-finding hearing will be scheduled. If they decide that there is no probable cause, your case will get dismissed. This means it will be thrown out and records of it will be erased.

Generally, showing a **lack of probable cause** means you have to show the judge one of two things:

1. The school has not given your child the support they need for their mental and emotional needs.
 - a. Ex. Your child has a disability accommodation that the school is not giving them
2. The school has not proven your child "willfully" missed school.
 - a. Ex. Your child is missing school because of a chronic illness

It is recommended that you bring any documentation or writings you have showing that the schools is not meeting your child's needs. This can include:

- Medical records showing that the child has a mental or physical disability
- A doctor's note explaining that the child has a health issue that makes going to school hard for them
- Your child's IEP or 504 plan
- A request you made for an FBA or other mental health evaluation
- Emails or other written messages with school officials showing that they knew about a problem your child is having and did not help (ex. Not providing accommodations, bullying, transportation, etc.)

The school district and court system also want to know that you as the caregiver have done everything you can to get your child to school. Bring evidence and documentation of all the steps you have taken, such as:

- Notes from your child's caseworker or medical providers showing that you are getting them needed services (therapy, medical treatment, etc.), OR
- Emails or other messages with the school about getting your child accommodations.

THE PROBATION INTAKE

Before the hearing, you will meet with a probation officer outside the courtroom to talk about your case, why the CRA petition was filed, and what is happening at home and in school. This is called the **“probation intake.”** You and your child can talk with the officer about what kinds of help will make it easier to get the child to school regularly. The officer will also ask about your income. If the court believes you are “indigent,” meaning that you cannot afford an attorney, **they have to give you a lawyer if custody over the child is an issue.** This means that the judge is thinking about (1) where your child will live and (2) who will live with them. If you are indigent and your case goes to a Fact-Finding Hearing (pg. 14), you will be given an attorney at that point.

The probation officer may also ask you to sign forms giving them permission to share or obtain confidential information about yourself and your child. You can choose whether or not you want to give them this permission.

Your **child will automatically be given an attorney** no matter your family’s financial situation. Children are always considered indigent because even if their parents/guardians have money, the child may not be able to access it. This attorney has a legal relationship with your child and cannot tell you or anyone else what the child says to them without the child’s permission.

INFORMAL ASSISTANCE

In truancy cases, the judge often denies the CRA petition (meaning they do not think a fact-finding hearing is needed) but will still ask that you and your child get some kind of informal assistance. This means they may refer your child to services and will have your child meet regularly with a probation officer. **The Informal Assistance period will last for 90 days**, but you can ask for an extension or renewal.

You will be given an **Informal Assistance Agreement** that both you and your child must approve. This agreement will usually involve referrals to services that your child may need, such as psychiatric, psychological, occupational, medical, dental, or social services. **You should only sign an agreement that you like and understand.**

You can **ask questions** about the agreement or even **negotiate** if you do not like one or more of the terms. For example, these agreements sometimes require that your child attend school every day throughout the assistance period. This is hard for a student who is already experiencing attendance issues. You can negotiate to have this changed so that your child only has to attend 50% of school days throughout the assistance period, or another amount that is more reasonable for them. Of course, there is no guarantee that the court officials will make all of the changes you want to the agreement.

Throughout the 90-day Informal Assistance period, you and your child will occasionally **meet with a probation officer** to check on the child's progress. The PO will also check in with your child's school to see if their attendance improves. If the PO thinks that you or your child are not putting in the effort to participate in these services or meetings they schedule:

1. The officer can tell the court, and
2. The court will "advance" the Informal Assistance Review Hearing, meaning it will happen earlier than 90 days after the Informal Assistance Agreement is signed (see below).

After the 90 days are up, an **Informal Assistance Review Hearing** may be scheduled. This is to see how your child is doing and if their attendance has gotten better. You, your child, their lawyer, and the probation officer will attend. The PO will report their findings and make their own recommendations on what they think should happen. After listening to the probation officer, you, your child, and your child's lawyer, the **judge will either**:

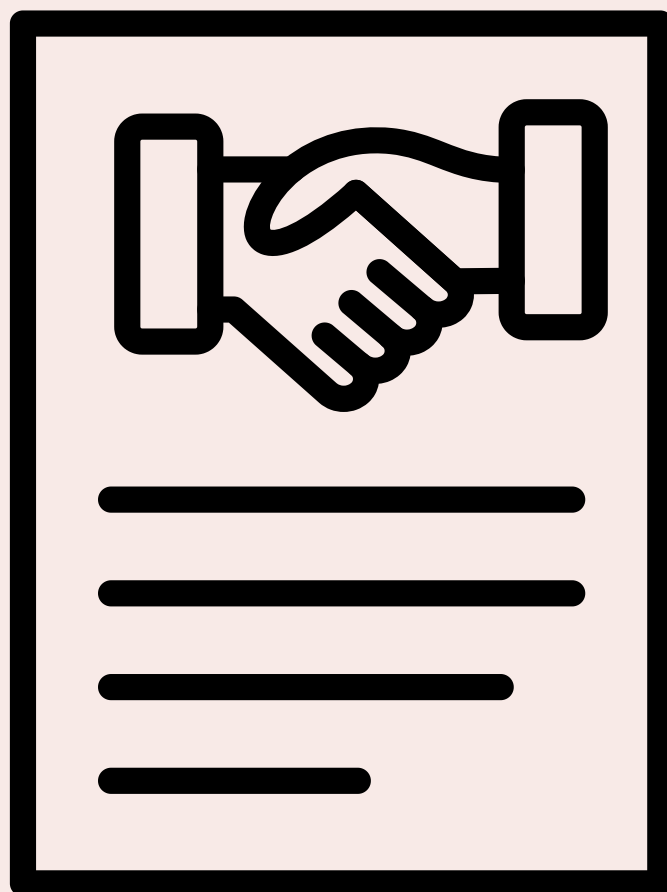
1. Dismiss the case
2. Extend the assistance period for another 90 days, or
3. Accept the CRA petition and schedule a fact-finding hearing

At this review hearing, it is helpful for you to **bring documentation of waitlists or other barriers to completing tasks on the Informal Assistance Agreement**. This will help explain to the court why your child may not be making the progress they should be and prevent a fact-find hearing.

If the case is dismissed, it will be thrown out and all records of it will be destroyed.

If the judge extends the informal assistance, you and your kid will be asked to sign an [Informal Assistance Extension Request](#) form. Note that **the judge can only extend the Informal Assistance period one time** for another 90 days.

If no agreement is reached, a fact-finding hearing will be scheduled.



The Fact-Finding Hearing

If the judge accepts the CRA application, it means that they have decided to move forward with the case and schedule what's called a "fact-finding hearing." Here, whoever filed the application (in truancy cases, usually the school district) must prove that your child is a "Child Requiring Assistance." **The judge will decide if your child and family unit need help from the court**, usually involving some kind of court an/or DCF supervision. You have the right to a different judge than the one at your preliminary hearing, unless all parties (you, your kid, the probation officer, the school, etc.) waive or give up this right.

If you went through Informal Assistance, nothing that you, your child, or anyone else said during that time can be used at the fact-finding hearing to decide if the child is a "Child Requiring Assistance." However, during a **Conference or Disposition Hearing** (explained in the next section), the judge can use things said during the Informal Assistance period to decide the best course of action for your child.

WHAT NEEDS TO BE PROVEN FOR MY CHILD TO BE A "CHILD REQUIRING ASSISTANCE?"

Whoever filed the CRA petition (In this case, the school) must prove that your child is "habitually truant," as discussed in page 6 of this guide. The judge will listen to everyone during the hearing and then decide if your child meets the law's definition of a "child requiring assistance." in the context of truancy.

Even if your child could benefit from services or assistance from the court, they cannot be found to be a "child requiring assistance" if they are attending school every day.

HOW DOES A FACT-FINDING HEARING END?

If the judge decides your child is a CRA ("Child Requiring Assistance"), the **next step is scheduling a "Conference" and "Disposition Hearing."** These two meetings will usually happen the same day as the fact-finding hearing. They are conversations on how to best help your child and when the court formally decides what rules your child has to follow; you do not have to argue your case the same way you would at a fact-finding hearing.

The case **could also be dismissed** at this stage if the judge is not convinced that your child is a Child Requiring Assistance.



ADVOCATING FOR YOURSELF AND YOUR CHILD DURING A FACT-FINDING HEARING

Before a Fact-Finding Hearing, you, your child's lawyer, or the school can submit a [Motion to Dismiss](#) to ask the judge to get rid of the case. The judge can dismiss the case if it is in your **child's best interests** (best for the child's overall well-being) or if everyone agrees that the case should be dismissed. The PO can also recommend a dismissal.

To prepare for a Fact-Finding Hearing, you should:

- **Bring any documentation** you have showing that the school has not met your child's needs and that you have taken steps to get your kid to school.
 - Go back to the "Preliminary Hearings" section to see examples of what kinds of evidence to gather and bring to court.
- **Identify you and your child's allies.** This can include:
 - Any caseworkers or service providers who are working with your kid, OR
 - Any adult/mentor whom your child trusts.
 - You can lean on these people for support and bring them to court with you to speak about your child. The more people on the child's side the better; this can help the judge and/or PO understand your child better and lead to a more useful conversation.
 - **NOTE:** Some adults, like teachers, are "mandated reporters" who must report suspected abuse or neglect. Others, like doctors or therapists, may not be allowed to share private information without your child's permission or a court order. **If you and your child have the same goals, talk to your child's lawyer if you before asking someone to speak in court.**
- Understand that these hearings can be damaging for children since they may be made to listen to other adults speak poorly of them.

You can appeal your case if you disagree with the outcome or you believe the Juvenile Court messed up. This means that another court will look at your case and decide if the original judge's decision was right or not. To do this, you have to submit a notice of appeal to the Juvenile Court within 30 days of the most recent ruling. Cases should be appealed to the Massachusetts Appeals Court. Visit the [Appeals Court Help Center](#) to learn more on appealing a CRA case.

NOTE ABOUT FACT-FINDING HEARINGS

In truancy CRA cases, there is often no fact-finding hearing. Instead, on the date of hearing, the PO will write up an agreement where you and your child agree that the child is a "child requiring assistance." In exchange, your child can stay in your custody, provided they follow a given set of rules. If the child doesn't follow the rules, the court can give DCF custody of them if it thinks that is in the child's best interests. Like an Informal Assistance Agreement, you can **ask questions and negotiate** the terms of this agreement.

The Conference and Disposition Hearing

The “Conference” and “Disposition Hearing” are two different meetings.

The Conference is a discussion about what kinds of support the child needs so they can go to school more often.

The Disposition Hearing is a different meeting from the Conference. Here, the judge will make final decisions about the child and how to get them to school regularly. You, your child, and the child’s lawyer must be present at both meetings. You, your child, and whoever filed the CRA petition will be allowed to speak.

THE CONFERENCE

The Conference will take place inside a courtroom. Participants may include:

- You
- Your child
- Your child’s lawyer
- The probation officer
- Someone from a Family Resource Center or other services program that your family has worked with
- Whoever filed the CRA petition
- Someone from your child’s school
- Someone from DCF (if they are involved)
- Anyone else who may be helpful in figuring out the best way to help your child get to school (this is another great place to bring any allies, as discussed in the “Fact-Finding Hearings” section)

The PO and anyone else in the Conference who wants to (including you) will give the judge a written report with their recommendations. They will tell the judge (1) what specific services they think the child needs, (2) if they think the child needs to be put in a different home, and (3) any conditions/rules they want your child to follow.

THE DISPOSITION HEARING

At the Conference, the judge will also schedule a “Disposition Hearing.” These usually take place on the same day as the Conference. Here, the court will give your child some rules to follow. For example, they may be asked to occasionally meet with a probation officer and go to court-mandated counseling services. If these rules are not allowed, the court may make change the services or make them stricter (ex. increased supervision by a PO)

The judge may also make a decision on the child’s custody. They can make one of a few different orders:

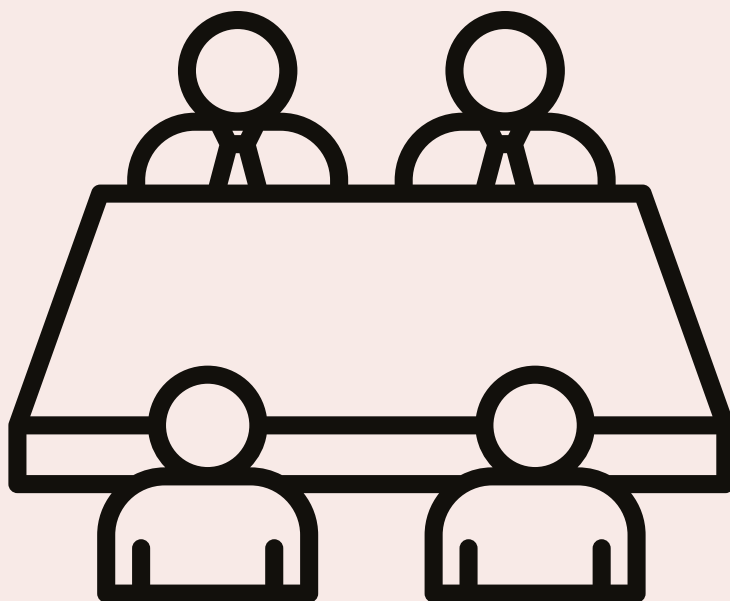
1. Allow your child to stay with you, so long as they do court-ordered services and a PO supervises them
2. Place your child with a:
 - a. Relative or other adult
 - b. Childcare agency
 - c. A private organization
 - d. DCF

No matter who your child ends up living with, the people taking care of them must follow the judge's rules and make sure that the child gets the services they are told to get.

HOW LONG DOES A DISPOSITION ORDER LAST?

The Disposition order can last up to **120 days**. The judge can **extend it for another 90 days** after a **Disposition Review Hearing** if they think the child has not met the goals in the original order but could have a better shot at doing so in another 90 days. The order can be extended no more than **three times**. At a Disposition Review Hearing, the judge can also dismiss the case if it is in your child's best interest (ex. their attendance has gotten better, they have new accommodations, it's the end of the school year, etc.). The judge can also change the child's custody, including giving custody to DCF. The case will **automatically be dismissed after 390 days** (the first 120 days for the Disposition Order, plus three 90-day-extensions or 270 more days). Then, the case records will be thrown away. If the child is still struggling to get to school, a new CRA petition may be filed.

When the **school files** the CRA petition (as they do in truancy cases), no Disposition order can be in effect after your child's 16th birthday.



If DCF is Given Custody of Your Child

There is a possibility that DCF will get involved in your case and be given custody of your child. If that happens, it is important to know what rights you have when your child is put into DCF custody

WHAT DCF CAN DO

When DCF has custody of your child, they may:

- Decide where the child lives (with you, in a foster home, or in a group home)
- Make decisions regarding your child's "routine" medical care (ex. going to annual check ups or getting vaccinations)
- Refer your child to service providers
- Visit your home and see how other children in your household are being taken care of

YOUR RIGHTS WHEN DCF HAS CUSTODY OF YOUR CHILD

When your child is put into DCF custody, you have a right to:

- Visit and contact your child if they are placed outside of your home
- Challenge any decisions that DCF makes about your child's home placement, services, and visitation
- Make decisions about your child's IEP or special education services
- Make decisions about "extraordinary" medical treatments for your child (ex. emergency surgeries)

YOUR CHILD'S RIGHTS WHEN DCF HAS CUSTODY OF THEM

Your child also has rights if they are put into the custody of DCF. They have a right to:

- Challenge any decisions that DCF makes about their home placement, services, and visitation with you
- Visit and contact you and their siblings
- Receive appropriate medical and mental healthcare
- If they are placed outside of your home, they have a right to attend the same school they were going to before DCF took custody of them
- Transportation to and from school
- If it is decided that attending the same school is not in their best interest, they have a right to be enrolled into a school in the town where they are placed



For Homeless and Housing Insecure Youth

Children of families experiencing housing insecurity and homelessness are more likely have attendance issues because they may move around more. Under the McKinney-Vento Homeless Assistance Act, every state has to make sure that every homeless child or child of a homeless person has the same access to an education as every other children in the state. This is intended to make sure homeless and housing insecure youth can get an education and succeed in school.

The Act covers people ages 21 and under (22 for students with special needs). It includes “children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.” ([National Center for Homeless Education](#))

Under the McKinney-Vento Act, homeless students and their parents/guardians have a right to:

- Choose which school the child attends.
- Free and reduced lunch
- Immediately enroll the child into their school of choice.
- Access to summer schooling and after-school opportunities.
- Access to college and career advising.
- Special education services.
- Transportation to school through June (for students who used to be homeless but have now moved into a permanent home during the school year), AND
- Start at their school of choice even while a dispute/disagreement is being worked out.

Every school district in Massachusetts has someone called a “McKinney-Vento Homeless Liaison” whose job is to help homeless families in their districts. Beyond education-related services, they can give you a referral for a doctor and some can help you with housing. If you would like to get in contact with your district’s McKinney-Vento Homeless Liaison, use this [directory](#) from DESE and search under “Homeless Liaison.”

Conclusion

The truancy and CRA process is hard. We hope that this guide will help you navigate these cases, understand Massachusetts law related to truancy, and learn how to advocate for a child with attendance issues in court.

We also understand that families with children who struggle with school attendance are often facing multiple issues that they may need legal help with. There are many reasons why a child may be unable to go to school, and the Juvenile Court is not a service provider that can directly give them the help they need. As such, we have made a **list of legal and non-legal resources** that focus on different areas of law and social services, including housing, family law, debt collection, and more. These resources can be found in the next and **final section of this guide**.



Resources for Families

If you have questions about CRA hearings or other education/children's law questions, you can contact [Massachusetts Advocates for Children](#) at (617) 357-8431 or text them at (617) 874-5354. You can also speak with the [Children's Law Center of Massachusetts](#) at (1-888-543-5298). For education-specific questions, contact the [EdLaw Project](#) at CPCS (Committee for Public Counsel Services) at (617) 910-5829 or fill out their intake form [here](#).

[DESE's Office of Student and Family Support \(SFS\)](#) has resources on getting more involved in your child's education. Family Resource Centers are social service organizations that can help you with a variety of needs, such as housing, child care, and healthcare. You can find your local Family Resource Center through this [directory](#).

If you are under 25 and in need of homelessness services, you can find nearby shelters and drop-in centers using [Homeless Youth Services](#), a program within the Massachusetts Executive Office of Health and Human Services. Massachusetts Appleseed also has a [Homeless Youth Handbook](#) that goes through many different issues that young housing insecure people face, such as education, immigration, and employment. The state's [Department of Mental Health](#) also has helpful resources for individuals and families experiencing mental health issues.

Legal Aid Organizations and Hotlines:

[Massachusetts Bar Association Dial-A-Lawyer](#)

Number: (617) 338-0610 or (877) 686-0711

Areas: Attorney volunteers are knowledgeable on a wide range of legal issues. Call on the first Wednesday of every month between 5:30pm-7:30pm. There is no limit on how many calls you can make to this hotline

[Harvard Legal Aid Bureau](#)

Number: (617) 495-4408

Areas: Housing, Wage and Hour, Family Law, Government Benefits

[Volunteer Lawyers Project](#)

Number(s): (617) 603-1700 or 1-800-342-LAWS (5297)

Areas: Appeals, Bankruptcy, Consumer Law, Family Law, Guardianship, Housing, Medical-Legal Partnership, Wage and Hour, Wills

[MassLegalHelp.org](https://www.masslegalhelp.org) (online resources for pro-se or unrepresented people)

Areas: Domestic Abuse and Crime Victims, Housing, Debt, Family Law, Government Benefits, Unemployment, Immigration, Language Access, Criminal Record Sealing, Health and Disability, Education

[Greater Boston Legal Services \(GBLS\)](#)

Number: (617) 371-1234

Areas: Consumer Rights, Criminal Record Sealing and Re-entry, Debt Collection and Bankruptcy, Employment Law, Education, Family Law, Government Benefits, Healthcare Benefits, Nursing Home Rights, Housing, Immigration, Shelter, Taxes, Victims of Crime

[MetroWest Legal Services \(Canton, Norwood, etc\)](#)

Number: (508) 620-1830

Areas: Immigration, Elder Law, Government Benefits, Family Law, School and Student Rights, Housing, Medical-Legal Partnership, Civil Legal Aid for Victims of Crime, Family Preservation

[Northeast Legal Aid \(North Shore\)](#)

Number: (978) 458-1465

Areas: Benefits, Community Development and Entrepreneurship, Consumer/Discrimination/Racial Injustice, Criminal Record Sealing, Education, Elder Law, Family Law, Housing, LGBTQ+, Tax Law, Medical-Legal Partnership, Medicare Advocacy, Victims of Crime

[South Coastal Counties Legal Services \(South Shore\)](#)

Number: (978) 458-1465

Areas: Housing, Public Benefits, Family Law, Immigration, Education, Senior Law, Consumer Debt, Employment, Civil Legal Aid for Victims of Crime

[Community Legal Aid \(Central and Western Massachusetts\)](#)

Number: 855-CLA-LEGAL (855 252-5342)

Areas: Housing and Homelessness, Employment and Government Benefits, Family Law and Domestic Abuse, Elder Law, Veteran Services, Education Law, CORI/Re-entry