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Truancy, Literacy and the Courts

A USER'S MANUAL FOR SETTING UP A TRUANCY INTERVENTION PROGRAM

American Bar Association, Standing Committee on Substance Abuse
In Partnership with the Scripps-Howard Foundation

Preface

Perhaps because of the role of lawyers and judges in the criminal system, the legal profession has long been aware of the connection between illiteracy and social problems. It is estimated that, overall, 27 million Americans do not know how to read or write at all, that 47 million more possess only the most minimal literacy skills, and that up to 74 million more just don't read, even though they once learned. As we live in a society in which a person cannot function without reading and writing—cannot get a driving license or open a bank account or even apply for welfare—it should be no surprise that 75% of prison inmates in the United States are illiterate.* For the fact is that without the ability to read and write well, a person's opportunities can narrow to the point where crime becomes a mode of survival. Lawyers and judges see this first hand.

As a result there is a long tradition of activism in the profession, much of it directed at catching illiteracy in the early stages, that is, among young people who are falling behind in school. For example, the Truancy Intervention Project was established by Judge Glenda Hatchett Johnson of the Fulton County Juvenile Court in Atlanta in 1991 and sponsored by the Atlanta Bar Association and the Atlanta Volunteer Lawyers Foundation. Also called "Kids in Need of Dreams", the program matches volunteer lawyers with children who are before the court on truancy charges. Georgia State Law requires that children over eleven who are convicted of truancy submit to court supervision for a year. The volunteer lawyer works out a program for the year with the probation officer of the court which is then presented to the court. The lawyer then sees to it that the child adheres to the program, but volunteers usually become involved with the child's family as well, sometimes serving as a lawyer where needed or generally troubleshooting for them. As truant kids have often fallen behind in their school work, a tutoring program is a central piece of many individual plans. Overall, the goal of the program is to get the kids off the path toward marginalization as illiterates, and back on the path toward becoming functional literate adults.

The American Bar Association has been a long time supporter of efforts of this sort. It has also consistently worked to impress on its members the seri-

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ousness of illiteracy, and the various ways that lawyers can help. These include establishing literacy hotlines, brokering the establishment of higher education consortiums on literacy, creating literacy action commissions—especially in states where there is no statewide mechanism that coordinates literacy programs—and supporting the creation of Correctional Education programs. Local bars have been urged by the ABA to reproduce and distribute literacy training curricula materials, to promote lawyer membership on boards of directors of local literacy organizations, to provide legal assistance for those writing literacy grant and funding proposals, and to publish bulletins that list funding opportunities for local literacy programs

Individual lawyers have also been frequently and persuasively reminded by the ABA of the ways in which they can and should help, from serving on the boards of organizations that promote literacy, to encouraging their firms or companies to set up in-house programs, as many have. Lawyers have been and continue to be responsive to these efforts not only because their profession often exposes them to the consequences of illiteracy, but because they are natural problem solvers. Getting literacy programs off the ground almost always involves putting together a coalition, which lawyers are good at doing, because of their connections to people in different sectors of the community, because of their prominence, and because of their negotiating skills. Above all, over time, the ABA has found that lawyers are attracted to this area because they tend to be very practical people who like to see results. Addressing illiteracy is a way of visibly changing lives for the better.

More recently, with the generous support of the Scripps-Howard Foundation, the ABA has begun to address illiteracy—as well as many other significant social problems—through the family court system. In 1984, the ABA adopted a policy supporting a model which consolidated all family-related cases into one court. More importantly, this policy included provisions for comprehensive, family-centered social services that would be provided by and through the court. We on the Standing Committee believe that truancy and illiteracy are two of the most important issues that can be effectively addressed by this innovative model.

This manual continues the tradition of ABA involvement in combating illiteracy, this time focusing on how the family court system can effectively

address truancy. Chronic truancy is often the first step on the road to illiteracy and all the attendant ills, and usually children are young when they fall into the pattern, which is to say that there is an opportunity to reverse it. For years the justice system has acted as if it were oblivious to the fact that both truancy and drug experimentation are early signs of a downward spiral that, repeated many times over, has been filling our prisons to a point unparalleled in the post-industrial world. Yet the connection between substance abuse, crime and illiteracy has long been known. It makes sense that if you cannot read or write well, you are going to find few legitimate ways of making a decent living in this technological world. Instead, chances are good that you will turn to selling drugs or, to escape the despair of a hopeless life, taking them.

In sponsoring programs modeled on an experiment in Kentucky in which the court directly addresses the roots of truancy, the ABA Standing Committee on Substance Abuse has found a way to attack illiteracy in America directly, and at the source. The Hon. Joan Byer, whose commitment and vision is the foundation of this program, believes that the court can and should intervene when a young person is just beginning to leave the mainstream—skipping school or experimenting with alcohol, for instance. All too often, truancy and drug experimentation lead to more truancy and more substance abuse. In this way a literacy gap and a cycle of substance abuse begin to reinforce each other in a way that becomes increasingly difficult to reverse.

While some may say these are obvious truths, the solution is not simple. Any of us who have struggled with a wayward child knows that even under the most advantageous circumstances it can take a great deal to get that child back on track. How much more does it take when the parents themselves are fighting substance abuse, as well as personal, financial, physical, mental or other problems?

This manual is intended to help others set up programs similar to that established by Judge Byer. In the past year, the ABA Standing Committee on Substance Abuse has worked in three cities—Baltimore, Maryland; Phoenix, Arizona; and Kansas City, Missouri—to develop this program. We have included “lessons learned” from these cities in writing this manual. It

Truancy, Literacy and the Courts

In 1993, two hundred and eighteen truancy cases came before the Family Court in Louisville Kentucky. Three years later only 2.4% of those children were still in school. The numbers reveal that the courts have little effect on truancy, a fact that is well known to Family Court judges everywhere, including Judge Joan Byer who has served on the Louisville bench since 1996. As Judge Byer put it “Statistically there is no impact in taking a kid to court.” Linda Wilhelms, who has acted as liaison between the Jefferson County school system and the Louisville Family Court since 1996, calls the judicial process “the dance of truancy,” and otherwise describes it as an “adult exercise that has minimal effect on children.”

The superficial reason why courts have no impact is that they have no effective way to enforce the truancy laws. Some judges will jail parents who fail to get their children to school, but to many judges, Judge Byer among them, removing a parent from the home in order to impress on them the importance of parenting is absurd. Short of that, all a judge can really do is to order a child to attend school, parents to see that they attend, and all to come back to court in thirty or forty days, but when they do return the story often is that the child has not gone to school any more frequently than before. In the experience of many judges, families are simply unintimidated by the courts where truancy is concerned.

Another extreme measure is a police policy of picking up all youths under sixteen who are on the street during school hours without a letter from a parent or school official. But inevitably such policies result in many unjustified detentions and create the atmosphere of a police state. Inevitably, too, there is a backlash against such measures for that very reason. Because of its draconian nature, this method of enforcing attendance cannot be sustained for long. But even more to the point, experience shows that as soon as the pressure is off, truants return to their old ways. In other words, enforcing the physical presence of children in school does not in itself change their inclinations. The end result of all these experiences is that many judges, knowing that they cannot effect meaningful change, remand

is our hope that by providing assistance to jurisdictions interested in this approach we will find powerful new solutions to some of the most pervasive and troublesome problems in our society today. We are deeply grateful for the support of the Scripps-Howard Foundation, and its president, Judith Clabes, in this endeavor. Without the Foundation’s encouragement and assistance, none of this would be possible.

Christopher L. Griffin
Chair

Wm. T. (Bill) Robinson III
Immediate Past Chair

truancy cases to legal Never-neverland, which is to say that in effect truants are released to continue in their former pattern.

Joan Byer followed this path as well, but with an increasingly uneasy heart as she began to see kids who had appeared before her as truants regularly reappear in court on more serious charges a few years later. It became ever more obvious to her that, for some, chronic truancy is the first step on the road to a life of drugs and crime. As that first step seems, on the face of it, to be so preventable, the frustration a judge who sees this pattern can feel is profound. Along the way, Judge Byer learned that that schools, too, experience frustration in dealing with truants. Remedial programs are often unsuccessful because kids who don't show up for school don't turn up for remedial programs either. As for deterrents, schools, in some ways, have even less recourse than the courts. Their ultimate power is that of suspension which in the case of truancy is hardly a remedy.

And yet the effects of truancy are as clear as the pattern of frustration in dealing with it. As the gap between a truant child and his or her classmates widens, it becomes increasingly humiliating for a child to attend school, leading to an ever deepening reluctance to return. As it becomes harder and harder for a child to bridge that gap and get on track in school, the path to illiteracy begins to acquire a kind of inevitability. With a narrowing future, young people become hopeless. As their stake in society dwindles, crime becomes more seductive. Among the kinds of crime that beckon, the drug trade is one of the most seductive. The use of drugs, too, often follows, increasing marginalization. "I knew I would be seeing them down the line." Judge Byer said of the young truants who came before her, but about whom she could do so little. "Truancy is a dead on indication of future delinquent behavior," said Linda Wilhelms.

That the deadly pattern of truancy sets in when children are young and malleable only makes the failure to change the pattern more frustrating. The sense of missing the moment when a life can be turned around was what spurred Judge Byer and Ms. Wilhelms to try to design a program for truants that would address the core reasons for truancy and at the same time offer truants concrete help in getting back on track at school.

Something that Judge Byer had noticed over the years—revealed by the special perspective of a Family Court system—was that often members of truants' families were in court on other matters. This focused her attention on the context in which truancy occurs. Eventually she concluded that truancy often arises out of familial conditions and that one of the reasons truancy was so difficult to reverse was that the court orders did not address those issues. After participating in the "dance of truancy" for several years, Judge Byer, together with Linda Wilhelms, the liaison from Louisville schools to the court, decided to set up a program that would do "whatever it takes" to pull truant kids out of the downward spiral toward illiteracy. By that time it was clear to them both that "whatever it takes" meant involving a truant's entire family. The identification and treatment of underlying causes in the family became the first principle of their program.

The second basic principle, borrowed from Drug Courts, was weekly contact between the truant family and the Judge. However, the Byer Truancy Court departed from typical Drug Court by moving out of the courtroom into the schools that the children attended. After all, one of the purposes of the program was to get the children back into their schools. They came up with the idea of holding a kind of court, weekly, on the school premises, with all of the participants and their parents present. The Judge would appear in her robes and her uniformed bailiff would be present as well.

The third principle was positive reinforcement of the efforts made by the participants in the program, regardless of their failings. While the robe and the bailiff would create an atmosphere of formality and consequence, in fact the Judge would look for achievements that could be praised rather than for lapses and mistakes to be criticized. There would also be small rewards, such as books and calculators, given out every week. It was decided that the program would continue for twelve weeks each semester.

Judge Byer's Truancy Diversion Program, as it came to be called, attracted the attention of the Standing Committee on Substance Abuse of the American Bar Association which saw in it a possible addition to the services offered to families through Unified Family Courts, a movement that the Committee has supported for many years. Indeed Judge Byer's program is deeply aligned with the UFC philosophy of using the judicial system—in

Starting Up

The Judge

The first step toward initiating a truancy diversion program on the Byer Model is to find a judge who is interested in the project. Not all programs have been initiated by judges, but the bench is a strong platform from which to get a program in place. Coming from outside the school bureaucracy, enjoying considerable prestige yet at the same time intimately connected to student affairs through the truancy laws, a judge is often able to get the consent of a principal without struggling with layers of administrative staff. Few principals are likely to turn down an offer from a Judge to set up such a program.

In some cases Judges have recruited community leaders to support the program, adding to their bargaining power with schools. In a Family Court program in North Carolina, for example, it was “the judicial piece that made it possible not to go through the school middle management. The judge put together in a room thirty people who were the leaders of the community. The result was that programs were instituted in two schools in that community,” said Judge Byer.

A jurist who likes ruling from on high will not be the one for this job, nor is the judge who has an aversion to detail. A special kind of quiet persistence, as well as faith, is required to be able to work with children who sometimes have been taught little discipline, who are often evasive, who cannot look an adult in the eye or answer questions clearly, and who often fail to comply with the simplest instructions. These are often the kids that everyone has given up on, including school personnel – the kids no one wants in their classrooms. The situation calls for a parental patience in one sense, although the role of the judge in such a program is not at all that of a parent. Official stature has a great deal to do with it. It’s the official authority of the judge, brought right into the school, that makes the rituals of the weekly meetings effective. Thus a combination of firmness and warmth are essential, as is a certain seriousness, combined with a natural tendency to emphasize success and strength. A disciplinarian who is inclined to focus on failure is not the person for the job. But an attitude of indiscriminate praise is not right either.

this case the truancy laws – to identify needs in a community and meet them with solutions rather than punishment. It is also in tune with the Unified Family Court movement in that it takes the family as the relevant unit within which destructive patterns of behavior, in this case truancy, can be truly understood and effectively addressed. The program also brought together, in one effort, the longstanding ABA concern about illiteracy and the Committee’s interest in averting drug use by children. Consequently the Committee applied for and received a grant to facilitate the expansion of the Byer program to other sites. This manual is based on Judge Byer’s experience as well as some of the newer programs that are based on the Byer model, and that have been sponsored by the Committee.

This is not a program for the hard core truant who is absent for more than twenty five or thirty days a term and whose parents are themselves in such severe trouble that the notion of supporting a child by attending weekly meetings is out of the range of reasonable possibilities. Experience has shown that hard core truants need much deeper and more prolonged treatment: that after a twelve week program of this sort they will merely revert to their former pattern. The Byer program is designed for that broad band of children who are in a shadowy zone, in danger of dropping out yet still able to catch up with their peers, and with at least one parent – or other adult in their life – who is willing and able to cooperate.

It is also a program that demands a kind of commitment and depth of involvement that will appeal only to jurists of a certain temperament. It is a hands-on program that requires patience, compassion, and stamina. It stands at the opposite end of the spectrum from the grand ideals of the sixties, in which sweeping policies were implemented from on high. This is a program that starts in the depths of the grass roots – with fifth grade math problems, transportation schedules and the mechanics of getting homework to kids who sometimes have to stay home with asthma – that is, with the tiny, knotty issues that begin the unraveling in the first place. It’s a program that moves forward one child at a time.

The Team

Next a team must be assembled. The advice of the Byer team is to build a small, tightly knit group in order to keep unnecessary dissension and extraneous issues at a minimum. Apart from that of the judge there are three roles that are essential.

A Family Advocate. This should be a seasoned social worker who is familiar with the services available in the community and knows how to work through the system to get them delivered quickly. Large communities usually have a wide array of services.

As for where to find a Family Advocate, local government agencies of the courts might be willing to lend a social worker to the program. In Louisville, the program actually received eight social workers from the Department of Human Services of Jefferson County. The initiators of the program were also able to negotiate with Juvenile Justice to give them a social worker, and there is a little tale attached to that: later, when the department wanted to take their worker back, they couldn't, because the program had been so successful and had gotten so much publicity. If community leaders are behind the program, and especially if the Truancy Court has gotten press, government agencies will be eager to be a part of a venture that looks as if it will redound to their credit.

Familiarity with the services that are available in the community and ability to get them quickly is important in a family advocate, as is an ability to evaluate quickly. "You know that when you open the truancy door you open a Pandora's box," said Linda Wilhelms. For this program to work, a child's entire environment must be assessed. Problems such as substance abuse, or a lack of medical care, or insufficient nutrition in family members often are related to truancy, directly or indirectly, and must be addressed if real change in a child's life is to be affected. The Family Advocate should be a person who is able to go into homes to interview the families of prospective candidates, identify needs, recommend services to meet those needs and see that they are delivered promptly. The Advocate must also possess excellent communication skills.

In the Byer program, the Family Advocate makes weekly visits to the homes of participants, helping the family to set long and short-term goals for itself and stay on track in pursuing them, troubleshooting, and facilitating in matters as weighty as organizing hospitalization and as trivial as devising ways to get up on time. The Family Advocate keeps accurate records of all these transactions, and coordinates the sharing of information by the various agencies that become involved. The Family Advocate literally advocates for the family with the various agencies. When the program is completed, it is the family advocate who sets up and oversees appropriate aftercare.

Local School Attendance Clerk. This member of the team keeps an accurate record of participants' attendance and reports these figures to the central office for the purpose of statistical research.

Youth Service Center/School Counselor. This school-based person works toward establishing and maintaining a positive working rapport with the truant families. He or she also works to get community organizations and businesses involved in implementing incentive programs for attendance, academic achievement, and behavioral improvement. He or she will also work with the school staffs in giving additional help to students in the program, and provide transportation, if needed, for the Family Advocate's home visits.

Louisville is fortunate to have a network of school-based Family Resource and Youth Service Centers. Essentially these work to broker services, supply grant funded programs, and act as neighborhood family "safety nets." Other school districts might have similar school-based personnel, school social workers, or drop-out prevention staffs to work in this capacity with a truancy court diversion program.

Educational Liaison. This is a teacher who acts as the "academic" connection between program participants and the school staff. Communicating concerns of the individual teachers to the team, making recommendations to families regarding such matters as tutoring or summer school, helping to fine-tune schedules and classroom activities are the kinds of tasks that the Educational Liaison performs. The liaison has proven to be a key to pro-

gram success. By establishing this position, the truancy court diversion program acknowledged the importance of the relationship between teachers and the program. Enlisting the support of the local school staff is vital. Teachers of the most challenging students often feel the same as the students do—frustrated, isolated, unappreciated, expendable and angry. Allying with staff produced many more favorable outcomes than otherwise might have been. There can be no winners in this game unless *all* the adults play on the same team .

When a parent is unable to attend a court, the liaison stands with the child in front of the judge . “No child stands alone in my Truancy Court,” Joan Byer says.



Each program develops its own variations where the team is concerned, but sometimes this leads to complications. The Baltimore project invited Department of Education Truancy Liaison officers to their early meetings, for example. But they found this group to be deeply alienated by the way the courts had treated truants over time. It had been bitterly discouraging for the Truancy Officers to see courts remand the cases that they brought in, systematically negating their work, or so it seemed, and their anger showed through at the meetings. Old grudges like this can be very disruptive in the early days of setting up a program.

Unlike two of the other programs, which originated with judges, the people who set up the program in Kansas City included an Assistant Superintendent. This proved to be very helpful when it came to convincing school officials of the need for a truancy court. In other cases where there is resistance on the part of the Superintendent of Schools or other officials, the judge is a natural emissary.

Many school systems have programs that are already in place, that either might not be working well, or that could be complementary to the Byer model. This was particularly true in Baltimore, where a complicated system of state and city oversight has the effect of Balkanizing the system, making each school a world unto itself. In Baltimore, taking an inventory of the

various programs already functioning, before they started assembling their team, was an important early step by the founders of the truancy court. They wanted to evaluate these programs, and learn what they could from them before they went forward. After the experience with the Truancy Officers, their feeling was that, because of the complicated political character of the Baltimore School System, they wanted to have a structure in place before they called more people in.

Picking a School

The Louisville program began with a Middle School. Though the team didn't realize it at the time, this was an excellent choice because, as they discovered through experience, Middle School parents are far more likely to be cooperative than elementary school parents are. The mothers and fathers of younger children may not understand the importance of making sure that their children attend school. In fact, because of the young age of their children, it's often the parents who are directly responsible for truancy. (This is one of the more obvious examples of an underlying cause of truancy that must be addressed if change is to take place.) They are therefore apt to see a truancy program as an intrusion into their lives. It is also likely that they have not yet run into serious problems with their offspring.

The parents of Middle School truants, in contrast, have begun to taste the tribulations of parenting adolescents. As teenagers have more autonomy, they are usually responsible for their own truancy, which in itself indicates waywardness and rebellion. Thus, many parents of truants in this age group already sense that they are losing control. Rather than view the offer of participation in a truancy program as an intrusion or a criticism, they are often grateful that an offer of help has arrived.

In picking a school, the founders of the Byer program recommend that the attitude of the Principal be taken into consideration. Principals who are defensive or who claim that they don't need such a program should be passed over. In general, traditionalists resist this kind of program because they feel that it pampers kids who should be punished instead. A traditionalist teacher, for example, might well refuse to allow a child who has

missed substantial amounts of school to pass, even if he or she has more or less caught up with the work. The reason usually is that this is unfair to the kids who have worked all along. In the experience of the Byer experiment, however, other students rarely resent an ex-truant's success. "Schools fail to realize that if you want these kids to keep coming, you have to restore hope. If someone has lost hope, they have no motivation to change."

So it's usually best to avoid schools where traditionalists have a lot of influence. "Look for a school where they are willing to color outside of the lines," said Linda Wilhelms. "Look for a maverick principal, the guy who wears no tie to school. And it helps if they are desperate." The Byer team started with Meyzeek Middle School because Ms. Wilhelms had a history with them, and because they were desperate about their truancy problem. The program at Meyzeek became the pilot program in Louisville.

Of the ABA sponsored groups, Baltimore has had the most trouble finding the right school. In part this has had to do with the complicated city/state structure. A visit from Judge Byer helped. With her the team identified "area superintendents" as the key figures to approach. Then she asked questions, such as "Which of all your area superintendents is the most forward looking and creative." Through this process a school was identified. However, it turned out that there was an overwhelming number of truants in that school. The team then decided to start out in a smaller school. Consequently, as of this writing at the end of the first term, the Baltimore program was still in the initial stages of setting up a truancy court. Kansas city, on the other hand, had its program up and running a few weeks into September, and by mid-year four more had been planned in other area schools. But Hickman-Mills, the first school, is a famously progressive and well-funded suburban school. The plan now is to take the program into an inner city school where success may be more elusive. Each district has its own conditions.

Picking the Kids

Once a school has been selected, the next job is that of identifying children from a list of all truants who are likely to benefit from the program. If the program is starting up at the beginning of a school year, a list of children who were truant in the previous year is a good place to start. Over time the Louisville team has found that kids who have missed around twenty-five days of school are most likely to benefit from the program. Sometimes they take kids with as little as eleven days, and occasionally they will take a child who has missed as many as sixty five days, but only if someone has negotiated for them. Ordinarily a child who has missed that much school cannot be rehabilitated in twelve weeks and is likely to return to truancy after the program is over. "We don't have the tools that fit their situation," said Ms. Wilhelm. It is the children who have been absent for from ten to twenty-five days of a term, the "soft truants," that is, who are at risk, but still emotionally connected to the school who are most likely to benefit from a twelve-week program of this kind.

Children who suffer from mental illness, or who have family members who are mentally ill probably will not benefit from the program. Children from families that have recently come to the United States, such as Croatian or Vietnamese families, where the language barrier is insuperable, are also not promising candidates for the program, unless interpreters are available. In picking candidates, it can be very helpful to have access to information about a child's circumstances at home. Many schools have Home/School Coordinators who can help in this regard. Often family court records are of use as well, and the Louisville Team also always checked with Child Protection Services. At least one adult ("Parent, grandparent, caregiver, or Uncle Bob," as Judge Byer put it,) who is willing and able to participate in the program is essential to success. Family Court records can also be helpful. The Byer group found that it works well to have siblings in the program. They can reinforce each other and the team is then able to work intensively with that one family rather than with several.

Parents are an important piece of this puzzle. "Part of what happens in the program is that there is a bond established between parents and the school" said Linda Wilhelms. Many parents feel deeply alienated from the schools

that their children attend. If a child is wayward to begin with, it's likely that the only time the parents hear from the school is when the news is bad. If parents are isolated from the mainstream, the school can seem to be an intimidating place where they are far from welcome. The Byer model brings the parents of truants into the school on a regular basis and offers them support. This can have a profound effect on parents who previously felt alienated by and even fearful of the school environment.

Parents of truants often need training in parenting skills. But because they already feel guilty and ashamed about their truant children, they need reassurance rather than blame. Programs for parents are often set up in the school itself where issues such as how to effectively discipline a teenager, and what to do when you are afraid of your own child can be discussed.

Getting Going

Once a list of likely candidates has been compiled, the social worker and a representative from the school go out to the children's houses. These visits serve two purposes. One is to bring the families around to seeing the program in a positive light—to convince them that the team is offering valuable help, and that the alternative is to go to court. A second purpose is to observe the home of the prospective participants. Both members of the team should be sharp, active observers on this visit, noting, for example, if there are signs of substance abuse and making educated guesses as to what members of the family might be supportive of the program, and what members might be uncooperative. As Linda Wilhelms put it, "You try to find out if the old guy in the corner is part of the problem. It could turn out, on the other hand, that he is your most important ally. We learn everything that we can about a family, who is for you and who is against you."

Recruiting families to participate in the program has required teamwork and strategy. The ability to "sell" the program is, in many ways, an art form. Linda Wilhelms believes the right team members with the right skills can engage just about any family. Many of these skills are based on experience and personality, but, more significantly, they require genuine respect for people and the ability to communicate in an immediate way on an open

and honest level. Once that trust level is met, boundaries disappear. Family secrets are more easily uncovered and dealt with. What young parents often see as an "intrusion" quickly becomes "support." This can be the beginning of real change within a family.

When the information about a participant has been assembled, the team, including Judge Byer, studies it in detail. Judge Byer, however, never goes to the houses of the participants in the program. In this way she retains a certain distance that reinforces her effectiveness in the program. She meets candidates for the first time in court. She always brings "a lot of positivity" to that encounter, however. "I say 'life is tough, this is a team, we are going to make changes, this is what you should expect to get.'" This does not mean that she stays aloof from the specifics of each case. On the contrary, over time she will often be engaged in extremely specific issues, such as whether or not a truant's parent is getting much-needed medical care. "There is a continuum of how well you get to know them." In some cases she has herself gone with a child, with or without a parent, to the parent-teacher conference.

Once the participants have been chosen, the next step is to identify the needs of all family members and try to meet them. Often there are problems of mental health in a truant's family. The Louisville team found it most helpful to associate with a local mental health hospital that assisted in providing psychological assessments of the truants.

Physical problems routinely cause absences. Asthma is cited over and over as a reason for chronic truancy. The Byer team learned that in many cases asthma had never actually been diagnosed, or that in spite of many absences, there appeared to be no medical treatment for the illness in place. In Louisville, an asthma expert from the County Health Department was brought in to do a special program for families dealing with asthma both real and imagined. Pro-active management techniques were explored and discussed, as well as treatment options. The "asthma nurse" encouraged parents to discuss these options with their physicians or clinics. Funding was secured to supply a family with an additional nebulizer. With an increased awareness came a decrease in asthma related absences.

Parents' physical illnesses also can be a cause of truancy and here help is provided as well. Alcohol or drugs can be a problem, in which case the team should not only encourage family members to go into treatment, but will find the facility, and provide whatever aid is necessary to make the treatment possible. If there is domestic violence in the family, then counseling should be provided for that. When parenting classes are needed, it might be necessary to provide transportation. The object of treatment, in other words, are not just the child but the entire family. In talking to family members, especially parents, team representatives should emphasize that they are there to help, but also that parental cooperation is essential to the success of the program: that if Mom or Dad is delinquent in keeping up their side of the bargain, the child will be out of the program.

The number of participants, of course, varies, as can the length of a court session. In Joan Byer's program, there are, on average, twenty students in a session, which lasts for twelve weeks. In Kansas City, the court lasts for a full semester, which is a little more than twelve weeks. .

The Byer team emphasized that this program cannot reach all truants, that it must be selective, and that proponents of it must recognize this limitation from the start in order to be successful. Out of 96,000 students in the Louisville, or Jefferson County school system, for example, approximately 14,000 are truant each year. Of those about 250 will attend the Byer program each year. "A lot of our kids are the invisible kids who just don't get around to going back to school after summer vacation," Judge Byer told us. "Those are the trapped kids who don't have an attraction back into the classroom. Many of them are real likeable kids but fail to make connections and affiliations with the school."

The Byer team combed through the records to find those candidates and, when they were identified, the team often found that they were much farther behind academically than everyone thought. The team also has found that a surprisingly high number of them had lost a family member recently and had had no help in dealing with grief. In those cases grief counseling is provided. Divorce, or other family crises, often lie behind truancy, bringing on depressions that can easily snowball into much graver situations for the student if left untreated. In other cases, a child can have simply fallen

behind because of difficulty with a subject, opening up a gap between him and his school that starts to widen if not addressed. In these cases tutors should be provided, preferably certified teachers. The Educational Liaison can help the team identify when and for what a truant needs tutoring.



Up and Running

Once a program is set up, the course is clear. Each week the judge appears at the school. At Meyzeek Middle School, the truancy court was held in the auditorium at eight o'clock on Thursday mornings. On a typical Thursday morning Judge Byer sat behind a table at the head of the auditorium, dressed in her robes, with files for each child in front of her. To her left there was another table on which there were a variety of small objects such as calculators, pads and pens, and items such as detergent and shampoo. The bailiff, also in uniform, stood in the back. Twenty children sat scattered throughout the auditorium with some parents. Middle school children come in an astonishing variety of sizes, from skinny little kids, to what look like full-grown men and women. To a visitor, it was in some cases hard to distinguish very young parents from the more mature middle school children. In other cases parents looked prematurely aged by life and hard work.

Judge Byer would review a file and then a child would be called forward to "the bench." A parent would go up to the table with him, or, if no parent was present, the Educational Liaison, or other team member, would go to the table and stand with him, an arm around his shoulder. Judge Byer would look him directly in the eye and shake his hand. That day she engaged each child in a conversation, asking him or her, "Tell me three things that teens need to know about parents." And when the child had answered she would say "Now tell me three things that parents need to know about teens." On the board there was written a "word of the day." On this particular Thursday the word was "Acknowledgement." "How would you like to be acknowledged?" Judge Byer asked each of her participants. "Every time people put Angela down, she picks herself back up" said one child. Then there was a discussion of what helped kids, and each child was asked, "Have you made a choice you wouldn't make again"

Judge Byer was formal in her robes yet outgoing, always encouraging the participants to look inside themselves.

Next she would review the attendance records of the week and discuss it with the child, often within hearing of the others. Rounds of applause are always provided for those who had a good week and as encouragement for those who did not. There is an understanding that whenever something personal needs to be discussed, it can be done in private, but otherwise information is shared with the whole group. The subject of discussion is usually attendance, and whether homework assignments were done and appointments kept. Judge Byer focuses on the positive, and, where there have been difficulties, probes to find out what might help to remove them.

To witness a Byer model truancy court in action is a moving experience. At first it seems rather lackluster, in part because the parents and children tend to be shy, generating little energy in the room. And it is hard for the children to speak up, and sometimes they don't speak clearly. But cumulatively the effect is powerful. In part this is so because of the way time is given to each child. One after another, hulking or skinny, they have to come out of the shadows and stand in the light and discuss the specifics of their week with someone who has taken the trouble to learn a great deal about them. The sight of the parents going up to that table is moving too. Many of them have an almost retiring quality from which the process of the program requires them to emerge. Both parents and children have a look of satisfaction and reinforcement on their faces as they return to their seats. These are, by definition, non-compliant kids, but they did not misbehave or show any sign of disrespect in Judge Byer's "courtroom." On the contrary, as they pass through their weekly session, one after the other, the participants convey the sense of being in a process that they know is adding up.

Other features of the program are a Field Day in which the participants in the three Louisville middle school programs get together for a day of recreation and fun, and a "graduation."

Much more goes on behind the scenes. There are weekly visits to the homes of the participants, and persistent follow-up on the issues that have been discovered there. The competence of the Family Advocate who takes care of

this aspect of the program is essential to its success. "They are in the house, talking to family members, problem solving, conferring with service providers, making sure Mom is getting to her appointments, if transportation is an issue taking care of that, making sure that the work that needs to get done in the twelve weeks does get done. Dedication, too, is essential: it is a forty to sixty hour a week job."

The truth, of course, is that progress varies from case to case. For some children this one intervention is all that is needed. Children who slid into truancy because of unresolved grief are often in this category. The program assists in getting them immediate and appropriate therapy, helps them catch up on their schoolwork, and, after their twelve weeks they are often back on track and on their way. Other children, whose problems are deeper, are less easily reintegrated into the mainstream. But what makes the Byer program effective is that it looks at each child, individually and in depth, while treating truancy as a family problem. "Unless you have that world view of the family, you won't see truancy for what it is." Joan Byer has said. By the time the twelve weeks is over each case is very deeply understood by the team, putting it in a good position to prescribe whatever is necessary to keep that child on a productive course. "This is about prevention, about giving families what they need to stay out of the court system, redirecting them back into the school system before they are so alienated that it's too late."



Conclusion

The Byer model Truancy Court exemplifies the Unified Family Court philosophy. It uses the judicial system to identify needs, it brings common sense to bear on how to fill those needs, and it employs the prestige of the bench to implement the solution. Above all it addresses the matter of truancy in the context of the family. The assumption from the very start is that truancy is rarely a reflection of the truant child alone, but rather is a red flag that indicates a family that needs help. When members of the team go out to visit the home of a truant for the first time they say "We are here to help." And they are, even if they are not believed at first.

The Truancy Court Diversion Program in Louisville is always a choice. A child or a parent can always opt for the normal judicial process. The contrast between the two roads is instructive, however. On the one hand, you are read your rights, are lectured, and are then, it is likely, left to spiral downward unimpeded and alone. On the other hand, you can bypass the traditional judicial process and find yourself engaged in a variety of relationships, including one with a judge who looks over the record of your performance in school each week and discusses it with you. This tells you that you are valued, and, at the same time, that you have responsibilities. Truancy court is a relational process above all, in this addressing one of the principle probable causes of truancy which is social isolation. When Judge Byer observed the pattern in which truant kids come back to court several years later as criminals, she was, in many cases, witnessing the failure of families brought on by many causes, but ultimately by progressive isolation. Her program addresses the root cause of truancy by working to reverse that progression, bringing families back into the fold of society just as the truants are brought back into the fold of their schools. With positive affiliation comes success.

With a higher percentage of our population in prison than any industrial nation, we have to start looking for other solutions. Asking why a person ends up on an anti-social path is always the first step towards a true understanding of the problem. It is the wise question, and the humane question, but it is also the practical question because it points the way to real change. By refocusing two major institutions—our courts and our schools—so that they view the truant as someone in need of help rather than punishment, and then offering that help in concrete, effective ways, this program makes real change possible.

