

Additional Consequences for Your Child include:

If your child enters a guilty plea or the judge determines your child is guilty after a trial, this may also affect:

- College Applications and Scholarships
- Military Service
- Employment Opportunities
- Public Housing

Possible Consequences for Parents and Guardians:

- Jail time
- Fines
- Loss of custody

IS THERE A WAY TO GET YOUR CHILD'S RECORD CLEARED?

South Carolina allows some juvenile records to be destroyed by court order. This is called **expungement**. Expungement erases those records. Expungement may give your child a better chance when applying for college; joining the military; or obtaining a job, loans, or public housing.

Truancy records may be expunged. If your child was only adjudicated delinquent on truancy, by law, the court will grant the expungement. If you child has multiple status offenses, the court still may grant the expungement. Your child must be seventeen years old or older and have fully completed any sentence. Your child cannot have been convicted of any additional delinquent or criminal acts and no criminal charges can be pending.

If your child is found not guilty, the court must grant an expungement. You do not have to wait until the child is 17 to apply. No fee is charged for this expungement.

Contact the Solicitor's Office for the Circuit or County where the case was handled to apply for an expungement. Your child will need to complete an application and pay the fees. There are three fees and each must be paid by a separate money order: \$250 for the solicitor's office, \$25 for the SC Law Enforcement Division (SLED), and \$35 for the Clerk of Court. Cash and personal checks are not accepted. If the expungement is granted, your child will receive a copy of the order in the mail.

ADDITIONAL RESOURCES

South Carolina Legal Services: (provides legal assistance to people who cannot afford to hire an attorney): 1-888-346-5592

South Carolina Bar Lawyer Referral Service: (provides referrals to attorneys in specific areas of the law): 1-800-868-2284



In South Carolina, children ages 5 to 17 must go to school. Children can go to public or private school, or can be homeschooled.

A child should attend school Monday through Friday. Parents or guardians are responsible for their children's attendance and can be fined or put in jail if their children are absent too often. Children who miss too many days of school may face criminal charges for truancy.

HOW MANY ABSENCES ARE ALLOWED?

There are two types of absences from school: **lawful** and **unlawful**. Whether an absence is considered lawful or unlawful depends on why your child missed school.

A child may typically have **ten lawful absences** from school each year.

Lawful absences include, but are not limited to:

- Seriously ill students whose attendance would be bad for their health or the health of other students;
- When there is a death or serious illness of a student's immediate family member;
- Missing school because of a religious holiday;
- Going to necessary doctor's appointments;
- Absences approved by the principal in advance for sports or band trips the student participates in.

A child is typically considered a truant if he has **three unlawful absences in a row or five unlawful absences in one year**.

Unlawful absences include, but are not limited to:

- Absences you don't know about;
- Absences you know about but are not considered by the school as a good reason for missing school;
- Skipping school. You are responsible for your child's attendance even if he skips school without your knowledge.

Ways to make sure your child's absence is considered lawful:

- Contact your child's school if your child must miss school;
- Put the reason your child missed school in a note;
- Send a doctor's note, if you have one. You should turn in the note in as soon as possible, or the note may not help the absence count as lawful. Keep a copy of the note for yourself. If you do not contact your child's school about the absence, it will be considered an unlawful absence no matter what the reason.

WHAT HAPPENS IF YOUR CHILD IS CONSIDERED A TRUANT?

Once your child has had too many unlawful absences from school, the school must do certain things to help make sure your child goes to school.

The school must:

- Meet with you and your child to find out why your child keeps missing school. The school will make its best efforts to meet with you and your child through home visits, written messages, and e-mails as necessary.
- Work with you and your child to come up with a written intervention plan that tries to fix why your child is absent.

The Intervention Plan:

The Intervention Plan will list steps to help prevent your child from having more unlawful absences.

The intervention plan should:

1. Say who is in charge of the intervention team, which may include: parents or guardians; school officials; representatives from the Department of Social Services (DSS); and community mental health and substance abuse and prevention service providers;
2. List reasons for the unlawful absences;
3. Have actions you and your child must do to help stop the unlawful absences;
4. Refer you to service providers that can help with the problem;
5. Provide referrals to alternative school and community-based programs, if available and appropriate;
6. List actions intervention team members must take;
7. Say what team members have done to help;
8. State what will happen if the unlawful absences continue;
9. Say how to change the plan, if that is needed.

You and your child should be allowed to help create the intervention plan. Once the plan is created, you must sign the plan and agree to follow it. Ask questions if you do not understand the plan.

If you successfully follow the plan, no further action will be taken.

WHAT HAPPENS IF YOU FAIL TO FOLLOW THE INTERVENTION PLAN OR YOUR CHILD CONTINUES TO HAVE UNLAWFUL ABSENCES FROM SCHOOL?

Habitual Truancy:

If a child ages 12-16 refuses to follow the intervention plan and gets two or more additional unlawful absences, the school will find your child is a **Habitual Truant**. Once this happens, the school district may ask the Family Court to issue a **School Attendance Order**.

If a **School Attendance Order** is issued, your child will be required by the **Family Court** to attend school every day. If your child complies with the School Attendance Order by going to school and having no more unlawful absences, no further action will be taken.

Chronic Truancy:

If your child fails to follow the School Attendance Order and continues to have unlawful absences, the child will be considered a **Chronic Truant**. The child can be placed on probation or required to enter a Department of Juvenile Justice Institution. Also, you may be fined up to \$50 or imprisoned for up to 30 days.

The school may also ask the Family Court to hold you or your child in **contempt of court** for failure to follow the School Attendance Order. The school must attempt to assist you and your child with following the School Attendance Order before asking the Family Court to hold you or your child in contempt.

What happens if your child is charged with contempt of court?

If your child is charged with contempt of court for violating a School Attendance Order, expect the following to happen:

- A hearing at the Family Court. You should receive written notice stating when you and your child are required to appear at the hearing. The notice should include the factual allegations that the court will consider. It will tell your child he has a right to be represented by an attorney and the right to have an attorney appointed if you are unable to afford to hire one.

Steps to take once an attorney is hired or appointed:

- Talk to the attorney as soon as possible before the hearing;
- Explain the reasons for your child's absences;
- Discuss the ways the school contacted you about your child's absences, for example, letters, e-mails, and phone calls;
- Describe how you were involved in creating the intervention plan and its details;
- Disclose any service referrals you received under the plan;
- Talk about any issues or problems the child may be facing at school or at home;
- Explain why a court order is or is not necessary to get your child services;
- Discuss additional actions the school took after the School Attendance Order and the date the School petitioned for Contempt of Court.

What will happen at a contempt of court hearing?

You, your child, your child's attorney, the prosecutor, school officials, the Department of Juvenile Justice (DJJ) community specialist and the judge will all be at the hearing. Your child may **plead guilty** to being in willful violation of the School Attendance Order or your child may **plead not guilty** and have a trial, after which a judge will determine whether your child is guilty or innocent.

If your child pleads guilty or the judge determines your child is guilty after a trial, the judge will determine a punishment. The judge may look at your child's school records, special needs, disabilities, prior misbehavior or other important facts when deciding the punishment.

Possible Punishments include:

- Probation
- Community Service
- Driver's License Suspension or Restriction
- House Arrest
- Letters of Apology
- Placement in an Alternative School
- Incarceration at DJJ