

MAINE STATE LEGISLATURE

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November 7, 1942

To Mr. Libby, Department of Education
Re: Truancy - Procedure in Municipal Courts

In answer to your inquiry concerning the procedure in the municipal courts in cases involving truancy of children, I can give you my opinion as to what would be a desirable course.

As I understand it, your problem is that in a good many cases the superintendents of schools go through the procedure outlined in the statute, and a child and his parents are brought into court and given a warning by the municipal court judge. Thereafter, the child returns to school for a few days, then ceases to go to school, again; and in these cases superintendents have had to start the procedure all over again.

It seems to me that if the municipal court judge terminates the case either by imposing a criminal sentence or a judgment that he will not impose a sentence, that particular criminal case has ended; and if truancy again appears on the part of the child involved, you must start all over again. However, it would seem to me desirable and proper that municipal court judges should, instead of following the above procedure, keep the case alive, by ordering a suspended sentence or a probation, if necessary, to apply to both the child and its parent, and then await developments. If the child then continues to be a truant, the sentence could be made effective.

Just what should be done depends on the particular situation of each case; and, of course, it is up to the discretion of the municipal court judge to take what he considers the most effective procedure. I feel sure that you will find, if the difficulty which you have suggested is called to the attention of the municipal court judges, they will be very cooperative with your superintendents.

John O. Rogers
Assistant Attorney General