

**VILLAGE OF DOLTON
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 15-001

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE
DOLTON VILLAGE CODE TO PROHIBIT TRUANCY AND TO
REQUIRE PARENTAL RESPONSIBILITY FOR SUCH TRUANCY**

WHEREAS, when school age students are truant from school, such truancy poses a number of serious community problems; and

WHEREAS, the Village Police Department has recommended that the Village adopt an ordinance prohibiting truancy so that there can be effective enforcement at the local level; and

WHEREAS, the Mayor and Board of Trustees have determined that prohibiting truancy and also requiring parental responsibility for such truancy when appropriate is reasonable and will further the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, COOK COUNTY, ILLINOIS, in the exercise of its home rule authority as follows:

SECTION 1: Amendment of Chapter 6, Article 5. Chapter 6 of Article 5 of the Dolton Village Code, "MINORS," is hereby amended by adding the following Section 5-6-3, "Truancy":

5-6-3: TRUANCY:

A. **Definitions:** For purposes of this section, the following definitions shall apply:

(1) *Legal Guardian* means any foster parent, or any person appointed guardian, or otherwise awarded custody of a minor by a court of law in this state, or any person appointed guardian or given custody of a minor under the Juvenile Court Act (705 ILCS 405/1-1 et seq.), but shall not include any person appointed guardian only to the estate of a minor.

(2) *Parent* means the father or mother of a minor child, whether by birth or adoption. In the event that the minor's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 et seq.), the parent having lawful physical custody of the minor shall be deemed to be the parent authorized to give consent as required by this section.

(3) *Valid Cause*, for absence of attendance at school during enrollment hours includes illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

B. Truancy Prohibited.

It shall be unlawful for minors eighteen (18) years of age and younger enrolled in a public, private or parochial school within the corporate limits of the village, to absent himself or herself from attendance at school during the hours in which he or she is enrolled without valid cause or the permission of a parent, legal guardian, or the school in which they are enrolled. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and shall be subject to the penalties set forth in this section.

C. Defenses.

In addition to being absent for valid cause as defined herein, a minor shall not be considered truant where he or she is:

- (1) Accompanied by a parent, legal guardian or school official;
- (2) Engaged in approved school related activities;
- (3) Engaged in lawful employment, provided that the school board of the public school district in which the child resides has recommended the employment and has certified the facts concerning such employment;
- (4) Physically or mentally unable to attend school due to a disability and such disability has been certified in accordance with Section 26-1(2) of the Illinois School Code (105 ILCS 5/26-1(2)); or
- (5) Subject to any other defense and/or exception set forth in the Illinois School Code (105 ILCS 5/1-1 et seq.) for compulsory attendance or enrollment in school.

D. Authority To Stop And Detain.

Any police officer who witnesses a person whom the officer reasonably believes to be in violation of this section may stop and detain the person for the purpose of verifying the person's identity, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason for the detention and that he or she will be released upon verification of authorization to be absent from school other than to transport the student to school or to his or her parent or legal guardian, the person shall not be removed from the scene of the investigatory stop unless he or she refuses to provide the officer with the necessary information. If the officer determines that the person is in violation of this section, he shall, if practical, transport the offender to school authorities or to the child's parent or legal guardian.

E. Parental Responsibility.

It shall be unlawful for any parent, legal guardian or other person to permit a person in his or her custody or control to commit the offense of truancy.

F. Contributing To The Delinquency.

It shall be unlawful for any person eighteen (18) years of age or older to perform any act of commission or omission which act encourages or contributes to the truancy of any person.

G. Penalties.

Violations of this section are punishable by a fine of \$250.00 for a first offense, \$500.00 for the second offense, and \$750.00 for the third and subsequent offenses.

SECTION 2: Amendment of Section 5-6-2(B)(1). Section 5-6-2(B)(1) of the Dolton

Village Code, "Parental Responsibility," is hereby amended to provide as follows:

(1) No parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall fail to exercise proper parental responsibility by allowing or permitting such minor to commit any violation of a Village ordinance or State statute concerning vandalism, battery, **truancy**, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass or possession of alcoholic liquor, cannabis or controlled substances, or any other offense of willful or malicious acts to persons or property.

SECTION 3: Repealer. Any provision of the Village Code heretofore adopted which is in conflict with the provisions of this Ordinance is, to the extent of such conflict, hereby repealed.

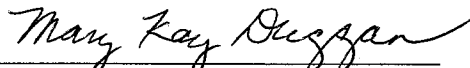
SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 5th day of January, 2015.



RILEY H. ROGERS, Mayor

ATTEST:



MARY KAY DUGGAN, Clerk

Ayes: 5 Bendell, Brown, Henyard, Hunt, Pierson

Nays: 0

Absent: 1 Smith

Abstain: 0