

§5053-A. Enforcement

1. Civil violation. If a parent has control of a student who is truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not more than \$250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

[PL 2011, c. 614, §15 (AMD).]

2. Dispositions. The court may also order a parent adjudicated as violating subsection 1 to take specific action to ensure the child's attendance at school; comply with the intervention plan developed in accordance with section 5051-A, subsection 2, paragraph A-2; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

[PL 2011, c. 614, §16 (AMD).]

3. Notice required. Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 may be brought against the parent.

[PL 2003, c. 533, §5 (NEW).]

4. Prima facie proof. Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 10 cumulative full days of absences or 5 consecutive school days of absences that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the parent is primarily responsible for the child's truancy or the parent failed to take corrective measures for the child's truancy.

[PL 2011, c. 614, §17 (AMD).]

5. Defense. It is a defense to a prosecution under subsection 1 that the parent has exercised reasonable diligence in attempting to cause a child in the parent's custody to attend school or that the administrators of the child's school did not perform their duties as required by law.

[PL 2003, c. 533, §5 (NEW).]

6. Process. Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

[PL 2003, c. 533, §5 (NEW).]

7. Jurisdiction. The District Court has jurisdiction over violations under subsection 1.

[PL 2003, c. 533, §5 (NEW).]

SECTION HISTORY

PL 2003, c. 533, §5 (NEW). PL 2007, c. 304, §§8, 9 (AMD). PL 2011, c. 614, §§15-17 (AMD).

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