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STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

ELIZABETH BOYER, individually, and by and for her minor
son, JEREMY BOWEN; *et al.*,

Plaintiffs,

v.

CHIEF JUDGE JEREMIAH S. JEREMIAH; *et al.*,

Defendants.

CLASS
REPRESENTATION

C.A. No.:

SUMMARY OF COMPLAINT

This civil rights lawsuit challenges the manner in which the Truancy Court calendar of the Rhode Island Family Court (“Truancy Court”) is administered and operates, and the policies and practices pursuant to which public schools in the municipalities of Coventry, Cumberland, North Providence, Providence, Westerly, and Woonsocket refer students to that Court.

Plaintiffs, ten students who have been referred to the Court by one of these municipalities and their parents or guardians, seek relief on behalf of themselves and all other parents, guardians and students similarly situated. They have named as Defendants the Chief Judge of the Family Court, two Family Court administrators, the five Magistrates who preside over Truancy Court hearings, the above six municipalities and their public school superintendents.

Plaintiffs claim that, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article 1, Section 2 of the Rhode Island Constitution, Defendant Municipalities fail to give parents, guardians and students sufficient notice of the type of behavior that could result in a referral to Truancy Court. That failure enables school officials to engage in the “arbitrary and capricious exercise of official discretion.”

Although Truancy Court originally was designed to divert truant youth from the more formal Family Court in Providence to a neighbor court from which they could more easily access the services that they needed to stay in school, it is frequently not used for that purpose.

According to Plaintiffs, however, the Defendant Municipalities use the Court to punish students who are not truant but who may have difficulty paying attention while at school or doing their schoolwork because of special educational needs, are unable to attend school because of medical or emotional difficulties, or who have family caretaking obligations that cause them to arrive at school late.

In addition, Plaintiffs allege that the Defendant Court Administrators and Magistrates assist the Municipalities in their misuse of Truancy Court by administering the Court with little regard for federal and state law. In violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution, and Rhode Island state law, the Administrators and Magistrates routinely deprive the children who appear in Truancy Court of:

- Their right to a preliminary investigation of the charges against them to ensure that those charges are legally sufficient and that their prosecution is in the best interest of the children and the public;
- Their right to rebut those charges if they believe that they have been falsely accused;
- Their right to consult with an attorney before admitting to the charges;
- Their right to an interpreter if they do not speak or have difficulty speaking English;
- Their right to challenge school officials who claim that they have violated the terms and conditions of their dispositions if they admitted to the charges against them; and
- Their right to have Court proceedings transcribed or recorded so that they may contest or appeal rulings against them. Truancy Court maintains no records of its proceedings and most of its orders are handwritten in shorthand and illegible.

Lastly, Plaintiffs contend that as a result of Defendants' violation of their rights, they are pushed unnecessarily into the juvenile justice system, subjected to a pattern of verbal abuse and intimidation by school and court officials, forced to miss class to attend Truancy Court proceedings, required to open their homes and private lives to unwarranted scrutiny, compelled to attend school when they are medically unable, unnecessarily referred to the Rhode Island Department of Children, Youth and Families, wrongfully incarcerated in the state's Training School, and subjected to continued stress, humiliation, and anxiety.

Plaintiffs seek the injunctive and declaratory relief necessary to compel the school officials in the six municipalities, Family Court administrators and Truancy Court Magistrates to adhere to federal and state constitutional and state statutory law.