SB 07-50 (Truancy) Symposium
Report and Implementation Guide

SEPTEMBER 14, 2007

PARTICIPANTS

Spike Adams, District Court Magistrate, Arapahoe County
John Barry, Superintendent, Aurora Public Schools
Ken Buck, District Attorney, Weld County
Becky Casey, Family Court Facilitator, Fremont County
Susan Caskey, Assistant Director, Boulder County IMPACT
Susan Colling, Juvenile Programs Coordinator, Division of Probation, SCAO
Lori Darnell, Truancy Reduction Program Manager, Adams County
Alicia Davis, Court Programs Manager, SCAO
Susan Davis, Planning and Grants Officer, Division of Criminal Justice
William DeLisio, Court Improvement Coordinator, SCAO
Andrea Feinberg, Educational Consultant, Jefferson County Assessment Center
John Gleason, Regulation Counsel, Office of Attorney Regulation Counsel
Rebecca Koppes-Conway, District Court Magistrate, Weld County
Dennis Maes, Chief Judge, Pueblo County
Heather MacGillivary, Senior Research Analyst, Center for School Engagement
Craig McPherson, Assistant Director, Jefferson County Juvenile Assessment Center
Rebecca Moss, District Court Magistrate, Douglas County
Scott Renfroe, Senator, State Senate District 13
Adele Reester, Chairman, Colorado Council of School Board Attorneys
Cindy Savage, Director, Office of Dispute Resolution, SCAO
Joel Schafer, District Court Magistrate, Jefferson County
Debora Staten, Administrator for Student Outreach, Jefferson County Schools
Richard Toth, Retired Judge, Fourth Judicial District
Ann Terry, Legislative Liaison, Division of Criminal Justice
Dave Thomas, Executive Director, Colorado District Attorney's Council
Meg Williams, Manager, Division of Criminal Justice

COLORADO STATE COURT ADMINISTRATOR'S OFFICE
DIVISION OF PLANNING & ANALYSIS
COURT PROGRAMS

EXECUTIVE SUMMARY

SB 07-50 now permits non-attorney school district employees to represent school districts in truancy proceedings. On September 14, 2007 the Colorado State Court Administrator's Office hosted a multi-disciplinary symposium to examine the new law and best practices. Participants examined data and best practices at both the local and national levels, specifically pertaining to the issue of representation of school districts by non-attorneys in truancy proceedings. The result of this analysis was to identify successful practices to be presented to jurisdictions implementing this legislation statewide.

The recommendations are summarized as follows:

Recommendation #1: In jurisdictions where school districts will have truancy officers or other non-attorney representing the school district, the local stakeholders should consider how contempt proceedings will be handled so as to avoid due process challenges.

Recommendation #2: Convene a group of stakeholders to devise a community response to truancy prevention and reduction. Programs that support attendance, attachment and achievement while providing for increased family involvement, youth and parent accountability, and the coordination and integration of other programs and services will lead to greater youth successes. Community stakeholders may include law enforcement, courts, schools, SB 94 committees (juvenile services planning committees) and social services.

Recommendation #3: Courts should devise written protocols explaining local practices and procedures for handling truancy cases. The Court should also review the protocols with stakeholders and communicate the Court's expectations to the parties.

Recommendation #4: Courts must adhere to all provisions set forth in Colorado Juvenile Rule of Procedure 3.8 when sentencing a truant to detention. The failure of the court to properly administer the Valid Court Order process set forth in C.J.R.P 3.8 will result in financial sanctions against the State.

Recommendation #5: Receive technical assistance from others. Judge Dennis Maes and Magistrate Rebecca Moss (now in Douglas County) started a truancy reduction program in Pueblo that is now recognized as one of the best in the country. Other jurisdictions have also implemented successful practices that they are willing to share. Further, the Colorado Juvenile Justice and Delinquency Prevention Council will prepare a technical assistance request for the Office of Juvenile Justice and Delinquency Prevention to fund ten days of technical assistance to be provided by the National Center for School Engagement to assist Colorado statewide in identifying best practices and action steps.

I. Introduction

During the Sixty-Sixth Session of the Colorado General Assembly, Senate Bill 07-50 (hereinafter "SB 07-50") was passed and signed into law on March 22, 2007. The new law enables non-attorneys designated by school boards to file and prosecute truancy petitions in the district court under the School Attendance Law of 1963, § C.R.S. 22-33-101 to 22-33-205. Testimony on SB 07-50 indicated that the law would assist juveniles by bringing youth in need of state intervention to the attention of the court. Testimony reflected that some school districts refrained from hiring attorneys to represent the school district in truancy actions because of budget concerns. The new law offers the potential of eliminating the cost associated with retaining legal counsel.

Prior to the passage of the law, numerous juvenile judges and magistrates across Colorado were asked to review and provide comment on SB 07-50. Almost all of the judicial officers commented that truancy matters merit significant attention, and that intervening at an earlier stage in a youth's life, as in a truancy case, is far preferable to waiting until a youth is more deeply entrenched in state proceedings, as in delinquency or dependency and neglect cases. Some responded that increasing a school district's access to the court in truancy matters was an important and a positive goal that outweighed other considerations. Others responded however that 1) the law encroached on the Colorado Supreme Court's exclusive jurisdiction to regulate the practice of law, thus violating the separation of powers; and 2) that the filing and prosecution of truancy petitions by non-attorneys presented unique training challenges, particularly when the prosecution of contempt citations can result in the incarceration of the juveniles or adults involved.

At the request of a number of judicial officers and other stakeholders, the Colorado State Court Administrator's Office convened this symposium to consider implementation of SB 07-50 as well as related truancy issues. Participants included judges, magistrates, judicial staff, school officials, attorneys, district attorneys, criminal justice experts, and educational experts. The composition of symposium participants was intended to provide for a holistic and multi-disciplinary analysis of the new law, providing the best opportunity to reach practical solutions that would assist judicial districts implementing the new law statewide.

This report and the accompanying materials are being provided to judicial officers and others to present an overview policy considerations and best practices in truancy with an eye to implementation of SB 07-50. Staff hopes that this report will assist individual judicial districts in the development of local policies and procedures that effectively implement the legislation.

The symposium addressed these specific issues:

A. Best Practices

Local and national data and best practices in truancy proceedings were presented. Heather MacGillivary of the National Center for School Engagement presented a comprehensive analysis of the effects of truancy on crime and subsequent court involvement.

The group also heard a presentation from Magistrate Rebecca Moss and Judge Dennis Maes on their successful truancy court in Pueblo. Attendees were encouraged by the success of this Colorado model and at the same time recognized that additional resources are imperative if Colorado is to take a more comprehensive approach to truancy matters.

B. Training

The symposium identified some of the training needs of school district staff responsible for representing school districts in truancy proceedings. The group reviewed training guides developed by individual districts, in particular Weld County and Adams County. These guides are incorporated as appendices for other districts to adapt according to local practices and culture.

C. The Role of the District Attorney

The symposium was also intended to examine the potential of authorizing district attorneys to represent school district in truancy proceedings. However, limited discussion of this topic revealed that this is not likely a viable solution statewide. Thus, this report does not explore this possibility.

II. Constitutional Considerations

It is within the sole province of the Supreme Court to regulate the practice of law in Colorado. It has been argued that 07-50 encroaches upon the Supreme Court's authority, and thus the separation of powers. John Gleason, Director of the Office of Attorney Regulation was asked to provide some background on SB 07-50 with an eye to identifying some of the policy considerations that were raised when the bill was presented during the legislative session. Mr. Gleason also indicated that the law could raise constitutional concerns or a complaint regarding the unauthorized practice of law. Others attendees questioned whether the bill would withstand constitutional scrutiny were the issue presented.

As the participants discussed, judicial districts will need to consider how to address the filing and prosecution of truancy petitions by non-attorneys. The prosecution of contempt citations can result in the incarceration of the juveniles or adults involved. For example, can the truancy officer represent the school district in a contempt action? Can the truancy officer bring the contempt action and then serve as a witness in the action? Adams County addresses this issue by bringing in attorneys at the contempt stage. Other counties are considering allowing non-attorneys to proceed in contempt actions once the non-attorneys have received specific training.

Recommendation #1: In jurisdictions where school districts will have truancy officers or other non-attorney representing the school district, the local stakeholders should consider how contempt proceedings will be handled so as to avoid due process challenges.

III. Best Practices in Truancy Prevention and Reduction

A. The National Center for School Engagement

Heather MacGillivary presented data on truancy prevention and reduction (Appendix A). Ms. MacGillivary works with the National Center for School Engagement "NCSE" which promotes truancy prevention and school success. The NCSE is an initiative of the Colorado Foundation for Families and Children and provides training, evaluation and technical assistance for truancy reduction and prevention programs.

Data was collected by NCSE from Denver Public Schools (DPS) from 2002 through 2005 to assess the prevalence of truancy. Ms. MacGillivary indicated that if similar data was collected from other school districts across Colorado that the results would likely be very similar. She also praised Denver Public Schools for seriously addressing the truancy issue and making the data available to others.

The results were as follows:

- ◊ Approximately 60% of students who left DPS for juvenile incarceration or detention were chronically truant.
- ◊ Approximately 60% of students who were expelled from DPS were chronically truant.
- ◊ Approximately 20% of students who left to be home schooled were chronically truant.
- ◊ Approximately 16% of students who attended more than one school in a school year was chronically truant.
- ◊ Approximately 13% of students whose exit code was "mutual consent (under the age of 16)," "runaway or other causes," or "no trace of enrollment in another school" were chronically truant.
- ◊ Approximately 50% of students whose exit code was "dropout" were chronically truant.

Ms. MacGillivary also presented national data indicating a high correlation between truancy and delinquent behavior. She posited that truancy is a community problem that requires a community response. In order to prevent and reduce truancy, Ms. MacGillivary suggested that jurisdictions should consider developing programs that include a broad range of stakeholders from the schools, courts, law enforcement and social services. She reported that community based programs in demonstrations sites such as Seattle, Jacksonville, Honolulu, Tacoma have shown to be very successful in reducing and preventing truancy. The focal points of these programs are attendance, attachment to school and achievement in school. The National Center for School Engagement can consult with courts and schools in communities looking to reduce truancy.

Additionally, jurisdictions interested in developing and implementing successful truancy reduction programs should consider reviewing a paper authored by Lorenzo Trujillo of the University of Colorado Law School titled "School Truancy: A Case Study of a Successful Truancy Reduction Model in the Public Schools."[1] The article defines the truancy problem, outlines the process of developing and implementing a truancy reduction program and provides cost savings information and other program related data for a program developed in Adams County School District 14, Colorado (Appendix B).

B. Pueblo County Truancy Reduction Program

Judge Dennis Maes' and Magistrate Rebecca Moss' Truancy Reduction Program in Pueblo County has been identified by NCSE as one of the top three truancy reduction models in the nation.[2] Information about their program was presented to give courts an idea of comprehensive solutions to addressing truancy in the community. The encouraging aspects of this program are that the program was administered using existing resources, it calls upon community cooperation to achieve its goals and it has been extremely successful in reducing truancy.

The program was started when the court became frustrated with the number of students who were being expelled from school for chronic truancy. Chief Judge Dennis Maes and Magistrate Rebecca Moss met to discuss the truancy problem and agreed to make truancy top priority in their court and instituted four best practices:

◊ Strong judicial leadership in the community when addressing truancy issues;
◊ Close collaboration between the school and the court to discuss the implementation of best practices;
◊ Regular and frequent court reviews of truancy cases;
◊ Cultivation of community support for truancy reduction efforts.

The program began with a focus on Keating High School in 2005. Initial efforts focused on the at-risk population that demonstrated parent problems and sibling patterns. Eventually, the court changed terminology in truancy court to include "educational neglect" and began to focus on holding parents accountable while providing the family support services.

Following the first year of the program, a meeting was convened with the school to review data from the program. The successful results left the school wanting greater access to the court. Collaboratively the court and school identified common goals and action steps. The process was as follows:

◊ The school created a more intensive attendance policy. The school began to initiate truancy actions upon the fourth unexcused absence and required school contact with family with

[1] School Truancy: A Case Study of Successful Truancy Reduction Model in the Public Schools University of California at Davis, Journal on Juvenile Law and Policy, Vol. 10, Winter 2006, No. 1 pp. 69-95. (2006).

[2] *See* the National Center for School Engagement at http://www.schoolengagement.org/index.cfm/Welcome.

every unexcused absence. In turn, the court prioritized the truancy docket and scheduled truancy cases up to four times per week. The court currently reviews all cases within two weeks of filing.

- ◊ A strengths-based approach for handling cases was devised and incentives were developed to support the students' strengths.
- ◊ Grant-funded community advocates were assigned to students to provide tutoring, mentoring, transportation to students. The community advocates also submitted written reports to the court prior to court reviews, maintained statistics and conducted fundraising for incentives. After four years, the school district began fully funding the program.
- ◊ The program instituted ongoing evaluation of a student's academic performance.
- ◊ The judicial officers decided to use detention only as a last resort.
- ◊ The court began requiring all truants to write essays that identify their own strengths. The court focused on these strengths throughout the process.
- ◊ The judicial officers made themselves available with the goal of getting students back into school. The students were permitted to contact the court if they needed it.
- ◊ Once the model was established, the judicial officers went public in the community through radio and TV ads, news releases and speaking at community meetings. The community gave donations, incentives, and volunteered. The local newspaper funded a truancy video. Catholic Charities administers all evaluations and offers free mental health services. Senate Bill 94 created low cost drug treatment.
- ◊ The judicial officers worked to set expectations high, and to encourage members of the community to refuse to accept truancy as the norm.

Recommendation #2: Convene a group of stakeholders to devise a community response to truancy prevention and reduction. Programs that support attendance, attachment and achievement while providing for increased family involvement, youth and parent accountability, and the coordination and integration of other programs and services will lead to greater youth successes i.e. law enforcement, courts, schools, Juvenile Services Planning Committees (SB 94), and social services.

Pueblo County provides these recommendations to judicial officers and others managing truancy cases or devising truancy reduction programs:

- ◊ Keep the process simple.
- ◊ Consider hiring a process server to accomplish service.
- ◊ The judicial officer can and should ask questions of students and family.
- ◊ Develop mechanisms for school employees to inform the court of the students' behavior so that the court can be responsive.
- ◊ Judges are responsible for making sure that due process is observed in contempt proceedings, because of the possibility of incarceration.
- ◊ Devise a protocol that ensures parties are respectful in the courtroom.
- ◊ Communicate the courts expectations to all parties.
- ◊ The court should always work closely with school districts.
- ◊ Utilize the standard forms contained in Juvenile Rule of Procedure 3.8.
- ◊ Make sure to conduct advisements in age appropriate language.
- ◊ Consider mediation as another resource for open non-adversarial communication.

IV. Training Needs in Truancy Courts

The Symposium identified the training need with regard to Colorado Juvenile Rule of Procedure 3.8 and the Valid Court Order process established in Juvenile Justice and Delinquency Prevention Act of 1974.

The symposium participants agreed that both attorneys and non-attorneys appearing in truancy cases should possess a basic knowledge and understanding of court process and procedures related to truancy cases. Participants felt that the following information should be provided to attorneys or non-attorneys participating in truancy proceedings:

◊ Knowledge of the key stakeholders in truancy court;
◊ Knowledge of the issues at stake;
◊ Understanding of dependency and neglect law;
◊ Understanding of the availability of and access to services;
◊ Child development, family dynamics, medications, mental health issues;
◊ Ability to assess and make recommendations to judicial officer;
◊ Ability to communicate effectively in writing and verbally;
◊ Knowledge of the relevant law;
◊ Ability to relate to the parents;
◊ The process of prosecuting contempt;
◊ Ethical requirements;
◊ Direct exam, cross-examination and how to introduce documents;
◊ Philosophy regarding sentencing and sentencing options;
◊ Understanding of the impact of disproportionate Minority Representation;
◊ Knowledge of all relevant court protocol and procedure;
◊ The requirements of the Valid Court Order, Juvenile Rule of Procedure 3.8.

Practicing attorneys who represent school districts in multiple jurisdictions indicated that local practices in each jurisdiction tend to vary. This variance in practice at both the court and school district level appeared to make the formation and implementation of a standard statewide training protocol an unlikely solution to effectively addressing training needs. Therefore, the symposium agreed that existing protocols developed by local jurisdiction should be provided to both courts and school districts for consideration, modification and adoption as suits the needs of the individual jurisdiction. Two examples of training protocols are appended to assist jurisdictions in creating protocols and are described briefly below.

A truancy protocol developed by Assistant Dean Lorenzo Trujillo of the University of Colorado School of Law for the Seventeenth Judicial District containing form letters and pleadings is attached in Appendix B. Magistrate Rebecca Koppes-Conway devised a written protocol to explain the court process in Weld County which accompanied a truancy training program held in July 2007 and is attached as Appendix C. Attorneys and school representatives were invited to the training program in order to convey the expectations of the court to whoever was appearing. The court also designated a case manager responsible for communicating with all agencies involved in the truancy court. In cases in which abuse and neglect is suspected, the

schools are expected to make referrals to the Weld County Department of Human Services rather than pursuing a truancy action. With regards to detention of status offenders, the court has reached an agreement with the Weld County Sheriff to hold truants for a few hours and then release them, thereby avoiding the problems associated with the detention of status offenders and the overcrowding at youth detention centers.

The following practical training tips were also shared:

- ◊ Ensure all relevant stakeholders attend the training;
- ◊ Explain legal requirements and expectations before child is referred to the court;
- ◊ Identify the community resources that are available;
- ◊ Require court observation of parties prior to their appearance before the court on truancy matters;
- ◊ School should consider retaining an attorney to accompany non-attorneys at first court appearance;
- ◊ Review the instructions on the Supreme Court website for how to pursue contempt http://www.courts.state.co.us/chs/court/forms/countycivilforms/jdf122.doc;
- ◊ Require school board in advance to identify and notify the court of the one person who will represent the school district in court as set forth in statute;
- ◊ Train judicial assistants so they can explain the court processes to court users.

Recommendation #3: Courts should devise written protocols explaining local practices and procedures for handling truancy cases. The Court should also review the protocols with stakeholders and communicate the courts expectations to the parties.

In designing local protocols, remember the requirements of the Valid Court Order process. Susan Davis, compliance monitor at the Division of Criminal Justice, indicated that in order to receive Juvenile Justice and Delinquency Prevention funds, Colorado must be in compliance with the Juvenile Justice and Delinquency Act of 1974 when detaining status offenders and specifically truants. She reported that when truants are committed to detention by the court, the process of completing a Valid Court Order as prescribed in Colorado Juvenile Rule of Juvenile Procedure 3.8 must be followed or Colorado will be deemed out of compliance with federal law. Colorado is only granted a limited number of exceptions, if the number of exceptions is exceeded federal funds are forfeited. Due to the potential negative impact of detaining truants combined with the increased number of truants statewide the issue of ordering truants into detention as a sanction in truancy cases was identified as an area where ongoing training is required for judges, magistrates, school attorneys and school officials.

Recommendation #4: Courts should adhere to all provisions set forth in Colorado Juvenile Rule of Procedure 3.8 when sentencing a truant to detention. The failure of the court to properly administer the Valid Court Order process set forth in C.J.R.P 3.8 can result in financial sanctions.

Jurisdictions seeking assistance with the development of protocols or training materials may also contact Bill DeLisio at bill.delisio@judicial.state.co.us or 303-837-3623.

V. Resources

Symposium attendees agreed that to effectively address truancy, a comprehensive, community response is required. Participants also agreed that a key barrier to a comprehensive response is the lack of dedicated resources and services targeting the truancy population.

Recognizing that successful truancy programs can be devised and implemented through collaboration, coordination and communication among school districts, courts, and others partners in the community, the symposium examined and discussed successful programs or techniques that are being utilized in the First Judicial District, Second Judicial District, Tenth Judicial District, Seventeenth Judicial District, Eighteenth Judicial District, Nineteenth Judicial District and Twentieth Judicial District. The efforts in these jurisdictions were applauded and were viewed as potential models for change, illustrating that immediate effort within existing resources can be undertaken by dedicated professionals to better address the needs of the truancy population.

However, the professionals around the table also shared their frustration with the fact that ongoing advocacy efforts were required to either secure short term grant funding or to persuade existing funding sources such as local and state SB 94 or juvenile services planning committees to allocate truancy reduction funding on an ongoing basis. Additionally, the provision of services by local departments of social/human services, probation departments, diversion programs, or other entities or programs to truants and their families is often tempered by the fact that their funding and resources are limited, and primarily intended to serve the delinquency and child welfare populations.

The group discussed that it appeared that families involved in the truancy court appear in delinquency or dependency court at a very high rate when the truant behavior is not addressed. The group expressed that truancy often predicts the eventual fate of a family or child, and that an inadequate system response to truancy will likely lead to more serious and negative outcomes such as abuse, neglect or criminal behavior. Because the costs associated with criminality, detention, out of home placement, and, child abuse and neglect routinely incur substantially greater cost to the community, and the tax payer than the cost of education; the symposium believed that the dedication of resources intended to address truancy holistically may reduce both the social and financial costs associated with these negative outcomes.

Strategies utilized in Truancy Reduction Programs to eliminate truant behavior such as referrals for assessments, substance abuse treatment, and mental health treatment or ordering electronic monitoring are not generally available to Colorado courts. Without access to resources and services the court is often left with two options: 1) place the truant in secure detention; or 2) order that a dependency and neglect petition be filed. In many instances these steps are not designed to be punitive but are seen as the only way to provide services to the truant or their family. Judicial officers attending the symposium reported that ordering truants into detention is an option they rarely use but are in some cases forced to consider.

VI. Next Steps

As provided above, jurisdictions should seek assistance from Judicial Districts that have implemented successful practices. Bill DeLisio at SCAO can assist with identifying those jurisdictions.

Further, Meg Williams of the Division of Criminal Justice indicated that Colorado's Juvenile Justice and Delinquency Prevention Council at the Colorado Division of Criminal Justice is a multi-disciplinary council dedicated to addressing delinquency prevention issues. She reported that the Council annually receives federal funding that is disbursed to communities throughout Colorado to supports local programs designed to prevent delinquency. She reported that these funds potentially can be used to devise programs that offer truancy courts positive treatment alternatives and methods for managing truants.

The symposium supported the solution of organizing and holding regional meetings throughout the state so that the relevant and meaningful discussions concerning truancy could be held at the local level. The following issues were identified as issues that require closer examination at such events:

- ◊ The lack of specified sources of funding for truancy programs.
- ◊ The problems associated with existing funding that is routinely withdrawn after three or four years.
- ◊ Examine the goals and objectives of the various systems handling juveniles to determine if they are aligned or working at cross purposes.
- ◊ Examines links between the Governors P20 Education Coordinating Council and truancy reduction.
- ◊ Examine the use of House Bill 1451 funding to support truancy reduction programs?
- ◊ Examine if there is a need for truancy case managers to facilitate communication among the courts, schools and other stakeholders?
- ◊ Explore collaborative structures currently in place to manage truancy.
- ◊ Examine local Juvenile Information Exchange Agreements.

Recommendation #5: Receive technical assistance from others. Judge Dennis Maes and Magistrate Rebecca Moss started a truancy reduction program in Pueblo that is now recognized as one of the best in the country. Other jurisdictions have also implemented successful practices that they are willing to share. Further, the Colorado Juvenile Justice and Delinquency Prevention Council will prepare a technical assistance request for the Office of Juvenile Justice and Delinquency Prevention to fund ten days of technical assistance to be provided by the National Center for School Engagement to assist Colorado statewide in identifying best practices and action steps.

VII. Conclusion

The Truancy Symposium fostered dialogue about truancy and truancy-related matters as a first step in the process of identifying system improvements and potential actions steps towards those improvements.

The Symposium was successful in beginning a dialogue and illustrating the type of priority that is required to effectively address truancy in communities across Colorado. If the future efforts of Colorado's Juvenile Justice and Delinquency Prevention Council are successful in obtaining technical assistance funding to further examine truancy, Colorado can expect to experience more dialogue and greater attention to this issue in the coming months and years.

The symposium revealed the unique demographic, economic, geographic and political factors have a considerable impact on the court process and systems response to truancy in each community. The Symposium also underscored the importance of communication, collaboration and coordination of courts and schools at the local level in order to better handle truancy matters. Consensus revealed that ongoing training combined with written protocols that reflect the procedures and the expectations of the Court upon litigants benefit both attorneys and non-attorneys and lead to improved handling of truancy matters. The appendices in this document attempt to provide a blueprint for such a protocols; these protocols can be modified and utilized at the local level to standardize truancy practices.

Factually and practically, the Symposium revealed SB 07-50 does have the potential to reduce the cost of litigation for school districts and increase access to the courts. However, the law does not provide for improvements in resources and services available to schools, truants or courts. As Magistrate Addison Adams of Arapahoe County District Court explained, "A difference in outcomes will not occur due to SB 07-50. There are larger social issues at play that require more resources and collaboration among stakeholders, and detention is not a solution to truancy."

The Colorado State Court Administrator's Office thanks all of the professionals who attended the symposium, joined in the dialogue and shared their valuable experience and expertise. We would like to thank Magistrate Koppes Conway of Weld County and Lorenzo Trujillo, Assistant Dean of Students and Professional Programs of the University of Colorado School of Law, for sharing their protocols for the benefit of other judicial districts. Special thanks go to Meg Williams of the Division of Criminal Justice, Department of Public Safety, for offering the assistance of the Colorado Juvenile Justice and Delinquency Prevention Council and to Heather MacGillivary of the National Association of School Engagement for presenting national and state truancy data that helped to frame the discussion.

Appendix A

Truancy Prevention: Research, Policy and Practice

Heather MacGillivary, MA
September 14, 2007

NCSE | National Center for School Engagement

Who is NCSE?

- The National Center for School Engagement
- Promoting truancy prevention and school success
- Provide training, evaluation and technical assistance
- NCSE is an initiative of the Colorado Foundation for Families and Children

NCSE | National Center for School Engagement

What does the research tell us about truancy?

Truancy Statistics

- Currently no national definition
- NCLB requires state definition of truancy and collection
- Colorado Truancy rates can be found on CDE website
  http://www.cde.state.co.us/cdereval/truancystatistics.htm

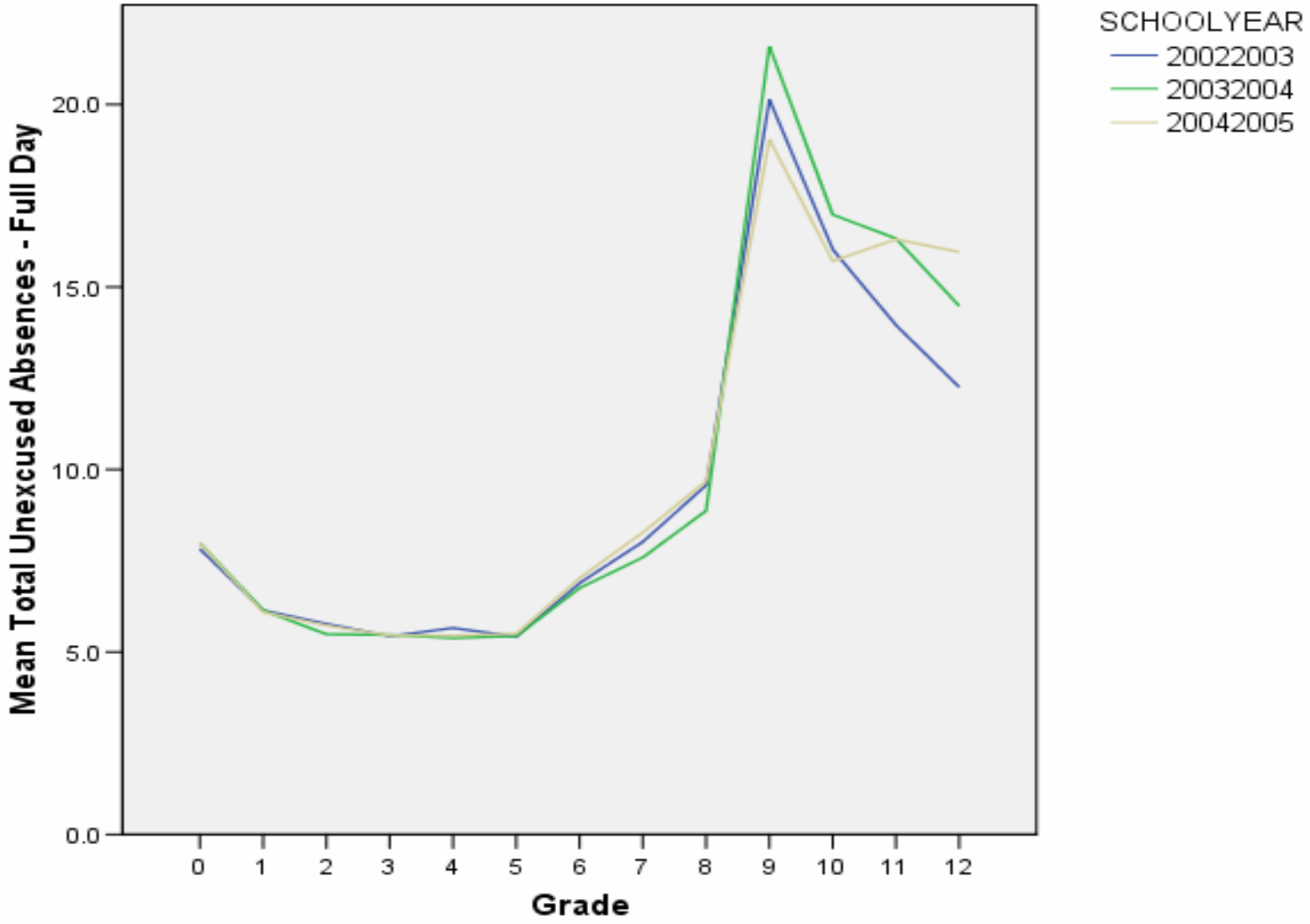
Some Truancy Statistics

- Around 7% of students report they did not go to school on one or more of the past 30 days because they felt unsafe at school or on their way to/from school. (YRBS)
- Rate of 9-12 graders that report missing school due to safety concerns has grown 50% since 1993 (YRBS)
- A longitudinal study of youth ages 12-16 found that 38% reported being late to school without an excuse (NLSY).
- Between 1985 and 2000, the rate of petitioned truancy cases in juvenile court more than doubled (NJCDA).

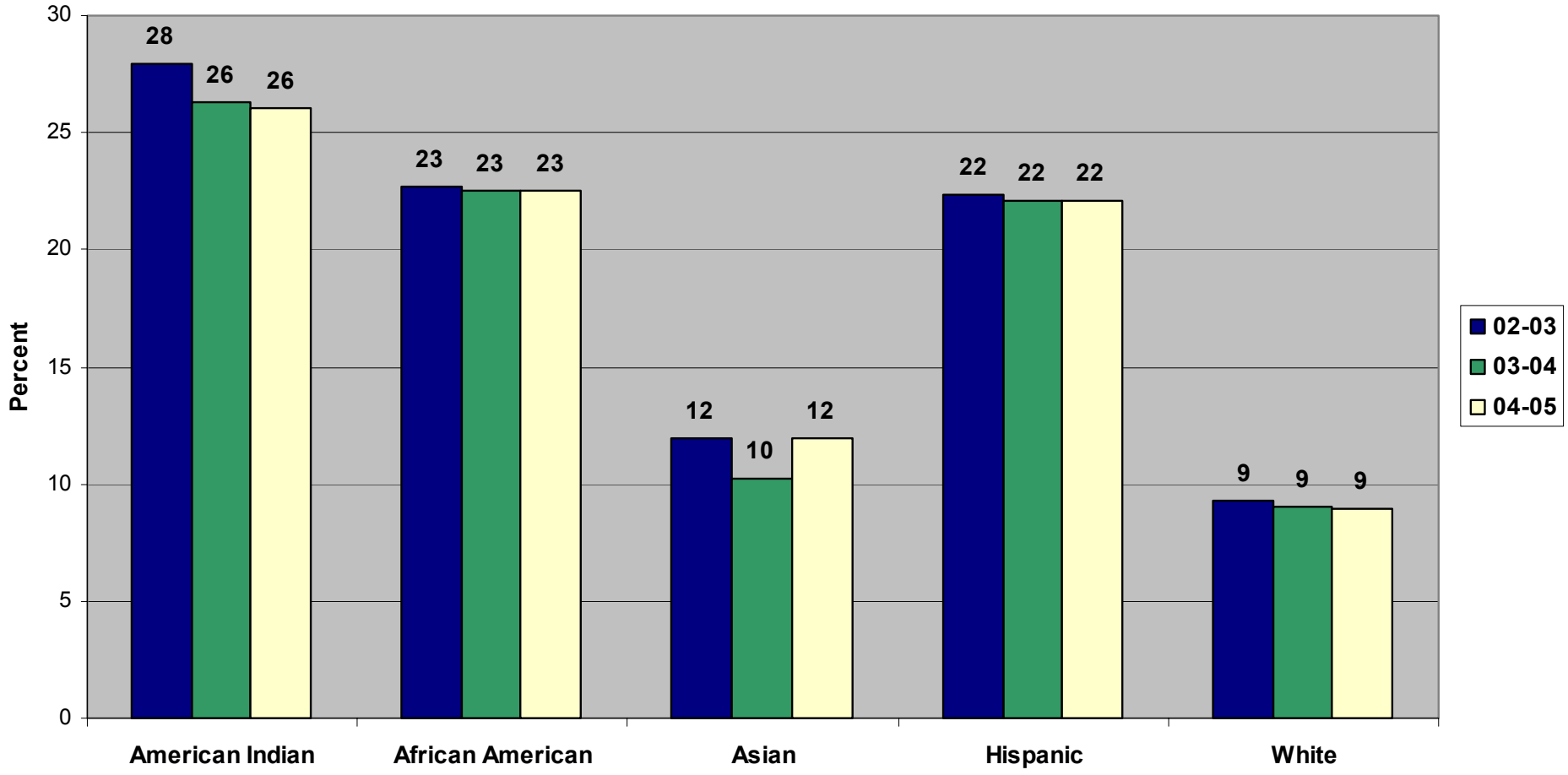
The Denver Data

- Collected data from Denver Public Schools to assess prevalence of truancy
- This gives a better indication than attendance rates or drop out statistics
- Surprising results

Average Unexcused Absences by Grade



Percent of Chronic Truants by Ethnicity



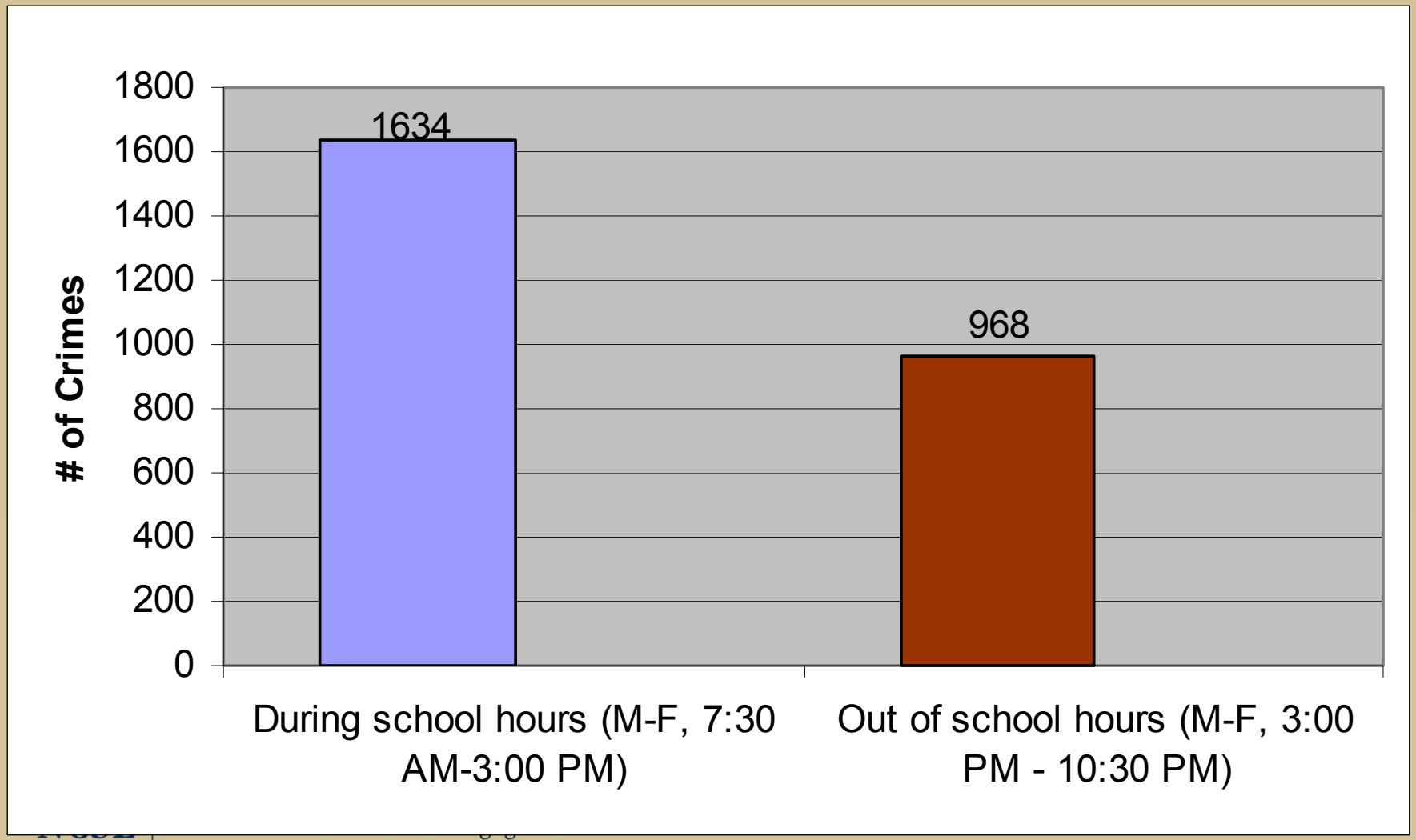
Percent of Chronic Truants and their Exit Status

- Approximately 60 % of students who left DPS for juvenile incarceration or detention were chronically truant.
- Approximately 60% of students who were expelled from DPS were chronically truant.
- Approximately 20% of students who left to be home schooled were chronically truant.
- Approximately 16 % of students who attended more than one school in a school year are chronically truant.

Percent of Chronic Truants who Drop Out

- Approximately 13% of student whose exit code was “mutual consent (under the age 16)”, “runaway or other causes”, or “no trace of enrollment in another school” were chronically truant.
- Approximately 50 % of students whose exit code was “dropout” were chronically truant.

Incidents of Crime by Youth (10-17)
School Year 04-05



Source: National Incident Based Reporting System (NIBRS).

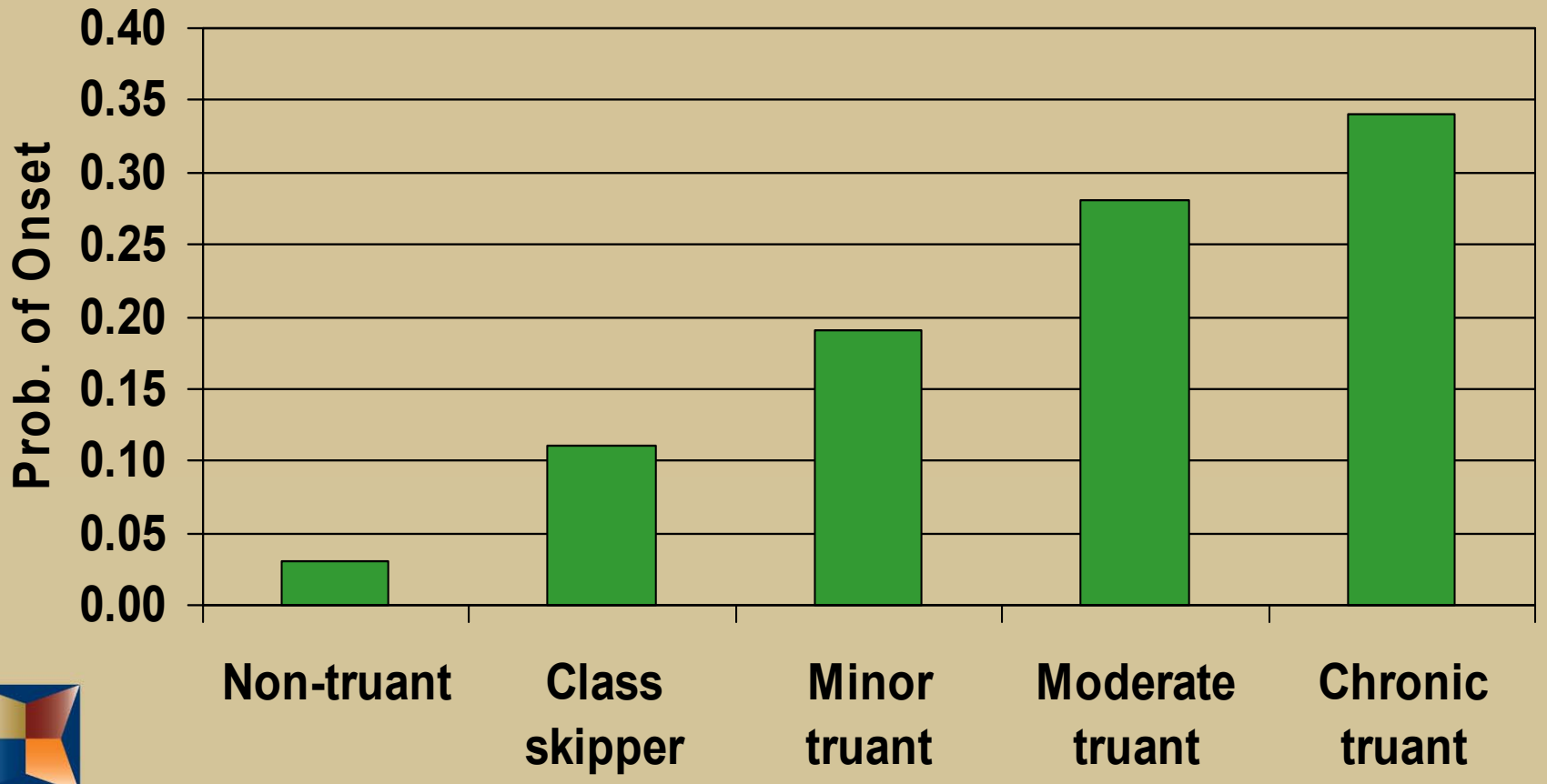
Effect of Truancy on Later Delinquency

Onset of Serious Assault Crimes

Class Skipper	4.12 times as likely
Minor Truant (1-3 days)	4.03
Moderate Truant (4-9 days)	6.84
Chronic Truant (> 9 days)	12.15

(Henry & Heizinga, 2005)

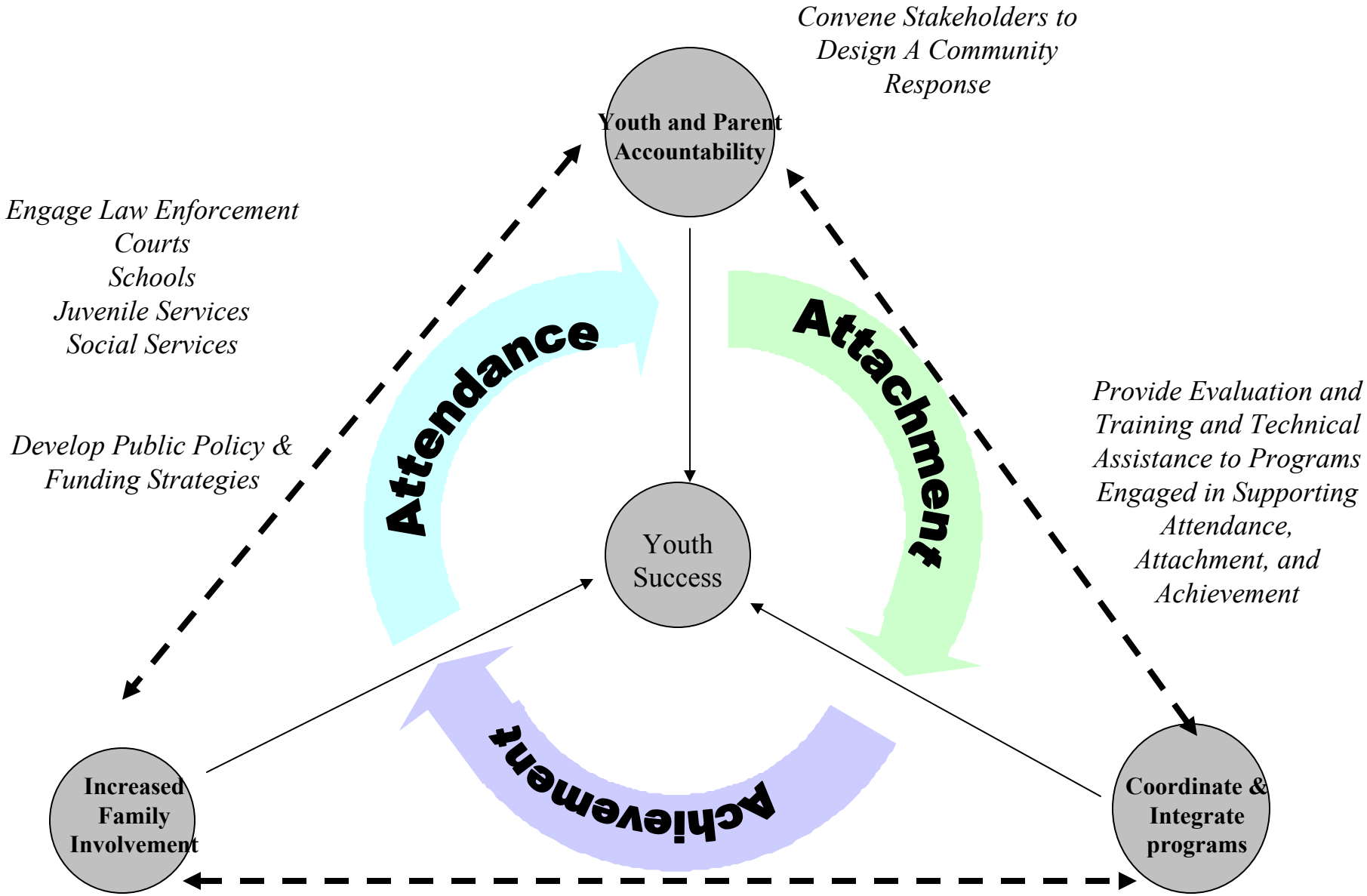
Predicted Probability of Onset of Marijuana Use at Age 14 by Truancy



NCSE | National Center for School Engagement

Solutions for Truant Youth

Strengthening Networks –Building Capacity - Supporting Youth -Creating Cycles of Success



What are some recommended Truancy Prevention & Reduction Policies?

Levers for Change

- Federal No child Left Behind Law
- Attendance = School Funding
- High Stakes Achievement Testing
- Truancy Reduction ↓ Day time crime
- Truancy Reduction ↓ Court Costs

NCSE | National Center for School Engagement

Contributions from the Community

- Set community standards that value going to school (involve retired persons)
- Work with businesses to not serve students during school hours
- Improve transportation access
- Increase awareness of the problem and the solutions
- Connect schools with law enforcement and youth services

State/County/Municipal Policies

- File CHINS/PINS
- File D&N
- Daytime curfew
- Subpoena school records

- School revenue based on average daily enrollment
- Include school truancy rates in report card
- Claim revenues for students with truancy petition

NCSE | National Center for School Engagement

Court Sanctioning Policies

- Fine parents & students
- Arrest parents
- Contempt citations
- Suspend driver's license
- Detention
- Community service

- Court ordered family or individual therapy
- Court ordered tutoring or health services
- Waive fines with improved attendance

School Policies

- School F grading
- No Extra Curric. Act.
- Suspension/expulsions
- Employ truancy officers
- Grading on participation

- Change Ed. Placement
- Appeals processes
- Consistent attendance policy and practice known by all (students, parents, staff, community agencies)

NCSE | National Center for School Engagement

Other Policy Change Needs

- End out of school suspensions for being truant
- Finance Schools by average daily attendance not one day counts
- Document attendance and truancy by school & set goals
- Less use by courts of detention for truancy
- Remove attendance as a factor in grading
- Start secondary schools later in the day
- Provide partial credit options for students
- Conduct a “push out “policy audit of rules and practices
- Raise compulsory attendance age to 18

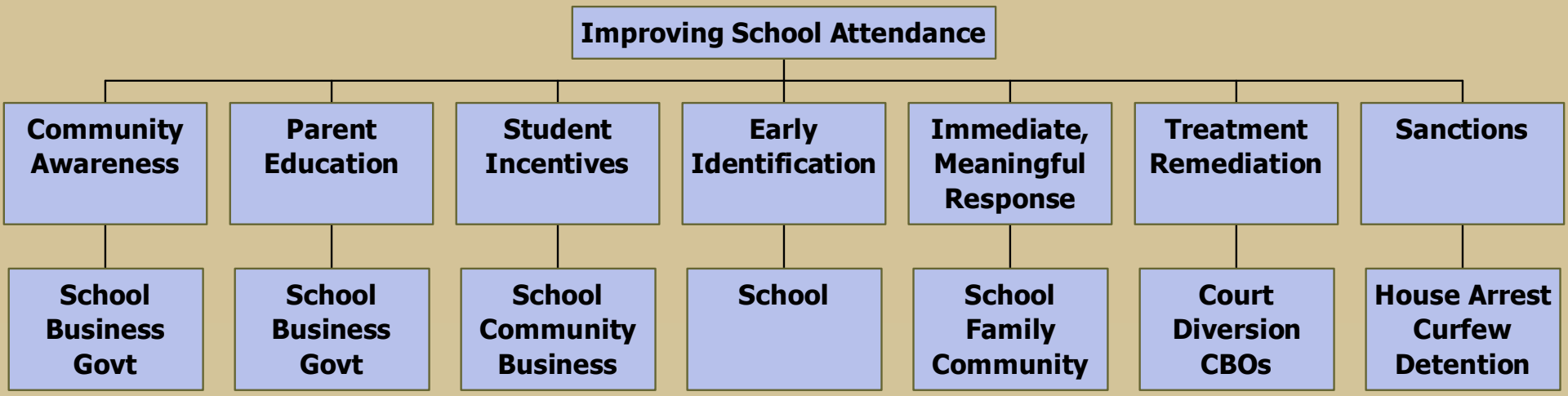
What are the promising practices for truancy reduction and prevention?

Truancy Reduction is no One Agency Show

Who should be at the table?

- ✓ Schools
- ✓ Juvenile Justice (Courts & youth services)
- ✓ Law Enforcement (Police & prosecutors)
- ✓ Service Agencies
- ✓ Public health
- ✓ Parents
- ✓ Youth
- ✓ Faith-Based Organizations
- ✓ Local Business Representatives

A Continuum of Support



NCSE | National Center for School Engagement

Principles of Effective Programs

- Include special attention to health and special education needs
- Data driven decision making
- Community and Business involvement
- Focus on school transition years
- Include public awareness campaigns
- Meaningful parent involvement planning together toward solutions with school & agencies

Demonstration Sites

- King County Superior Courts, Seattle WA
- State Attorney's Office, Jacksonville, FL
- University of Hawaii, Honolulu, HI
- Weed and Seed Office, Contra Costa Co., CA
- Safe Streets Campaign, Tacoma, WA
- Mayor's Anti-Gang Office, Houston, TX
- Suffolk Co. Probation Dept., Yaphank, NY

Alternatives to Court

- Youth Court
- Mediation
- Quasi-judicial proceedings
- Diversion
- Truancy workshops
- Knock and talks

Community Based Programs

- Truancy centers to take youth found truant
- Community assessment center to help families access services (health, mental health, tutoring, mentoring etc.)
- Community workers such as probation officers or social works act as liaisons between youth, school and JJ
- Case management services
- Walking school bus
- After school programs (recreation & educational)
- Home visitation
- Clothing and school supply drives

School Based Programs

- Attendance recognition awards
- Letters/voice/e- mails to parents
- Catch up classrooms or tutoring
- Student attendance review boards
- Class letters home
- School climate programs (anti-bullying, tolerance, school involvement activities)
- Attendance specialists in building
- Psych evaluations or social work services

Visit NCSE's Truancy Website

www.schoolengagement.org

info@schoolengagement.org

303-837-8466 x121

Contacts:

Heather MacGillivary, MA

NCSE | National Center for School Engagement

Appendix B

COLORADO LAW
UNIVERSITY OF COLORADO LAW SCHOOL

LEGAL STUDIES RESEARCH PAPER SERIES

Working Paper Number 06-39
October 25, 2006

School Truancy: A Case Study of a Successful Truancy Reduction Model in the Public Schools

Lorenzo A. Trujillo
University of Colorado School of Law

10 U.C.DAVIS JOURNAL OF JUVENILE LAW AND POLICY 69-95 (Winter 2006)

This paper can be downloaded without charge from
the Social Science Research Network electronic library
at: http://ssrn.com/abstract=940168

SCHOOL TRUANCY: A CASE STUDY OF A SUCCESSFUL TRUANCY REDUCTION MODEL IN THE PUBLIC SCHOOLS

By Lorenzo A. Trujillo*

I. Introduction

Unexcused school absenteeism, truancy, is not a new problem, but a historically present problem that has over the last decade received newfound attention as the lack of school attendance and its link with student delinquency has become more clearly identified. In 1993, "more than two-thirds of all school absences [nationwide] were non-illness-related" with absence rates reaching thirty percent each day in some communities.[1] In 2002, more than 70,000 students every day were out of school in Colorado alone.[2] These statistics have monumental social ramifications because truancy is often one of the first and best indicators of academic failure, suspension, expulsion, delinquency, and later adult crime.[3]

School attendance laws were first adopted by Massachusetts in 1852 as a way to curb child labor.[4] By 1900, thirty-two states had compulsory school attendance laws, and by 1918 every state had some form of school attendance law.[5] However, these laws were ineffective in that they were seldom enforced and relied on the "push out" method of school policy enforcement, rather than addressing the underlying issues of truancy and developing ways to keep students in school.

Truant youths are often absent from school for such a period of time that it is difficult if not impossible for them to catch up. "This leads to further disengagement from school, from teachers and ultimately can lead to serious anti-social behavior like juvenile delinquency."[6] The traditional method for disciplining student delinquents is to exclude them. This "push out" method sends a message to struggling students that they are not wanted, ultimately forcing a

---

* Lorenzo A. Trujillo, is the Assistant Dean of Students and Professional Programs and Professor-Attendant at the University of Colorado School of Law—(303) 492-6682; lorenzo.trujillo@colorado.edu and is Of Counsel in the Law Firm of Cage Williams Abelman, P.C.—(303) 295-0202. Trujillo was formerly legal counsel to the District Attendance Office in Adams County School District 14. The author wishes to thank and acknowledge the work of his research assistant, Siddhartha H. Rathod, for his assistance in the preparation of this article. He also wishes to acknowledge the efforts to make the Truancy Reduction Program a success by the judicial officers and court staff of the 17th Judicial District, Adams County District Attorney, and the administration and truancy office staff in Adams County School District 14.

[1] Doug Rohrman, *Combating Truancy in Our Schools - A Community Effort*, NAT'L ASS'N OF SECONDARY SCH. PRINCIPALS BULL., Jan. 1993, at 40, 40.

[2] Ramona Gonzales, Kinette Richards & Marilyn Harmacek, *Youth Out of School: Linking Absence to Delinquency*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Sept. 2002, at 1, 2.

[3] *See generally* Janna Heilbrunn & Ken Seeley, *Saving Money Saving Youth: The Financial Impact of Keeping Kids in School*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Oct. 2003, at 1.

[4] Seymour Moskowitz, *Malignant Indifference: The Wages Of Contemporary Child Labor In The United States*, 57 OKLA. L. REV. 465, 516 (2004).

[5] Adriana Lleras-Muney, *Were Compulsory Attendance and Child Labor Laws Effective? An Analysis from 1915 to 1939*, 45 J. L & ECON. 401, 403 (2002).

[6] Gonzales ET AL., *supra* note 2, at 2.

student's situation from bad to worse.[7] "Sending a student home for not coming to school provides little or no intervention to the underlying causes of the absences and is counterproductive to the educational process."[8] The "push-out" method was furthered in the 1980s, as state and federal drug enforcement policies increased, favoring the adoption of zero tolerance policies that punished all acts of delinquency severely, no matter how minor the offense.[9]

> The importance of school attendance to achievement, engagement, and educational success has been neglected in most education reform and prevention initiatives. School discipline, zero tolerance, and school safety concerns have combined to produce strategies that are counterproductive by pushing the problem out of the school and into the community.[10]

Today, school districts around the nation are tackling the truancy problem by working jointly with courts, law enforcement, social service agencies, and parents to identify students at the first signs of unexcused absenteeism and ensuring that all individuals are involved in prevention, planning, and implementation of a truancy plan. This article examines one such program in Colorado by providing an overview of truancy and juvenile crime, examining Colorado's School Attendance Law of 1963, and concluding with an examination of Adams County School District 14's successful truancy reduction model. The underlying philosophy of this model is that the American way of life is predicated upon an educated citizenry. Without an educated citizenry our American form of democratic government will struggle to survive. Our citizens must be capable of making informed decisions in voting and self-determination.

II. Truancy and Juvenile Crime

A. The Truancy Problem Defined

Truancy has been identified as one of the ten major problems in United States schools.[11] The problem of truancy has reached epidemic proportions with absenteeism reaching as high as thirty percent in some communities,[12] and more than 70,000 students out of school in Colorado each day.[13] While some absences are health-related, many more are related to truancy, suspensions, or expulsions, with twenty percent of all school suspensions in Colorado resulting from truant behavior.[14] In New York City's public school system 150,000 school students, approximately fifteen percent, are absent on any given day.[15] The Los Angeles Unified School

---

[7] *Id*.
[8] *Id*.
[9] *Id*. at 15; *see also* Russ Skiba & Reece Peterson, *The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?*, PHI DELTA KAPPAN, 1999, at 1, 1.
[10] Gonzales ET AL., *supra* note 2, at 23.
[11] Rohrman, *supra* note 1, at 40.
[12] *Id*.
[13] Gonzales ET AL., *supra* note 2, at 2.
[14] *Id*.
[15] Eileen Garry, *Truancy: First Step to a Lifetime of Problems*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, 1997, at 1, 1 (it is unknown what percent of these students have a legitimate excuse for their absenteeism).

District reports that approximately ten percent, or 62,000, of its students are truant each day.[16] During the 1994-95 school years, 66,440 chronic absenteeism complaints were investigated in Detroit, Michigan.[17] The end result is that numerous youths are not in school, and as such, students are not receiving the education they need to succeed in life.

Truancy, often referred to as a "gateway crime,"[18] has been linked to delinquent activity in youth and significant, negative behavior in adulthood, including an increased propensity toward violence.[19] The September 2001 Juvenile Justice Bulletin states:

> [A]dults who were frequently truant as teenagers are much more likely than those who were not to have poor health and mental health, lower paying jobs, an increased chance of living in poverty, more reliance on welfare support, children who exhibit problem behaviors, and an increased likelihood of incarceration.[20]

Truancy is also a strong predictor of juvenile problems, including delinquent activity, social isolation, gang involvement, educational failure, substance abuse, delinquency, teen pregnancy, and school dropout.[21] In addition, high truancy rates have been linked to daytime burglary and vandalism.[22] In Tacoma, Washington, police reported that one-third of all burglaries and one-fifth of all aggravated assaults, occurring between 8 a.m. and 1 p.m. on weekdays, were committed by juveniles.[23] In Van Nuys, California shoplifting arrests decreased by sixty percent after police conducted a three-week truancy sweep.[24] In St. Paul, Minnesota purse snatching fell almost fifty percent after police began picking up truant youths and taking them to a new school attendance center.[25] In Minneapolis, daytime crime fell sixty-eight percent after police started citing truant youths.[26] In Colorado, the statistics are equally problematic:

---

[16] Beth Shuster, *L.A. School Truancy Exacts a Growing Social Price*, L.A. TIMES, Jun. 28, 1995, at A12 (62,000 students are out of school each day with only half providing a written excuse).
[17] Joan Richardson, *Searching for Answers to Student Absenteeism on the Trail of Truants Incorrect Addresses, Reluctant Responses Hamper the Quest*, DETROIT FREE PRESS, Feb. 7, 1996, § NWS, at 1A.
[18] Steven Davies, *Truancy Program Targets Problems Before they Start*, KOCH CRIME INST., 1995, at 1, 1.
[19] Allison Bell, Lee Rosen & Dionne Dynlacht, *Truancy Intervention*, THE J. OF RES. AND DEV. IN EDUC. 203, 205 (1994). *See generally* Barbara Kelly, Rolf Loeber & Mary DeLamarte, *Developmental Pathways in Boys' Disruptive and Delinquent Behavior*, JUV. JUST. BULL., Dec. 1997, at 1.
[20] Myriam Baker, Jane Sigmon & M. Elaine Nugent, *Truancy Reduction: Keeping Students in School*, JUV. JUST. BULL., Sept. 2001, at 1, 1; *see also* Bell ET AL., *supra* note 19, at 205-06; Sarah Ingersoll & Donni LeBoeuf, *Reaching Out to Youth Out of the Education Mainstream*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, Feb. 1997, at 1, 2; Rohrman, *supra* note 1, at 40-41. *See generally* JOY DRYFOOS, ADOLESCENTS AT RISK: PREVALENCE AND PREVENTION, (Oxford Univ. Press 1990).
[21] Baker ET AL., *supra* note 20, at 2; *see also* Bell ET AL., *supra* note 19, at 205; Garry, *supra* note 15, at 1; Rohrman, *supra* note 1, at 40-41. *See generally* Dryfoos, *supra* note 20. **(need page number)**
[22] Baker ET AL., *supra* note 20, at 2.
[23] *Id*.
[24] Garry, *supra* note 15, at 2.
[25] *Id*.
[26] *Manual to Combat Truancy*, U.S. DEP'T OF EDUC. & U.S. DEP'T OF JUST., Jul. 1996, at 1, 1.

- Over ninety percent of youth in detention for delinquent acts have a history of truancy.[27]
- Seventy percent of suspended youth were chronically truant in the preceding six months.[28]
- Nearly half of expelled students had been chronically truant in the previous year.[29]
- Eighty percent of all dropouts were chronically truant in the previous year.[30]

In light of these statistics, it is essential that states, school districts, and communities work together to combat the negative effects of truancy by implementing programs that address the problem and its causes.

B. Causes of Truancy

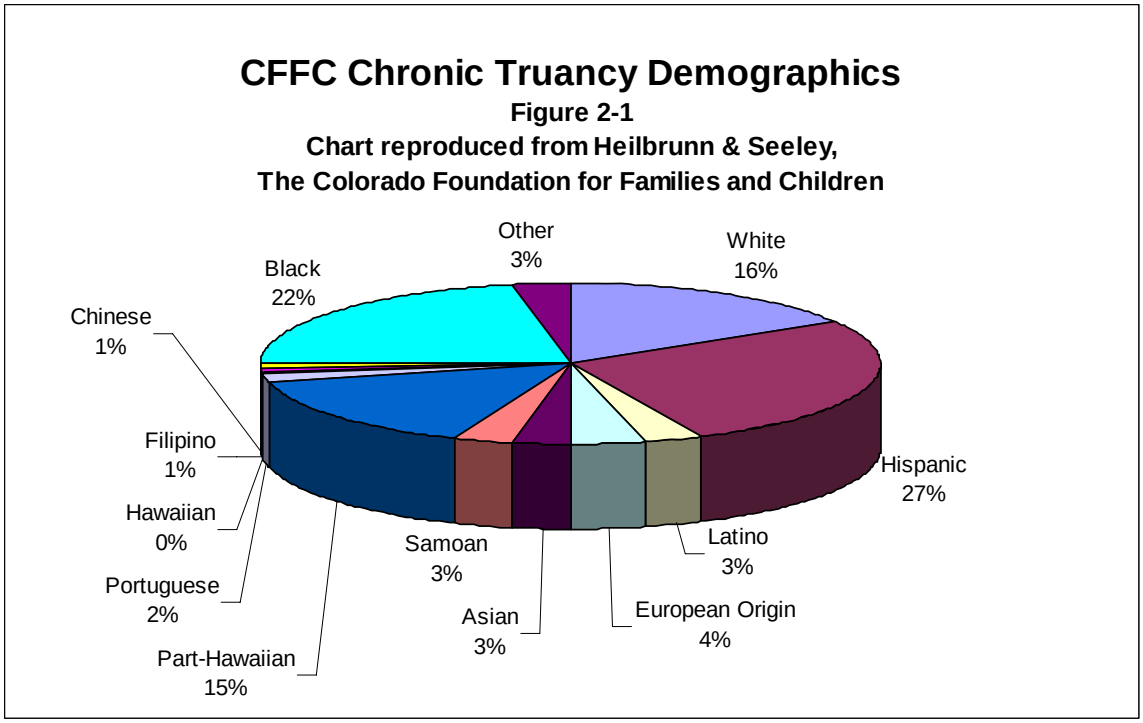
In order to understand the problem it is essential to understand the causes of truancy. The four primary causes are best grouped into four categories: (1) student demographics, (2) family characteristics, (3) student's personal and psychological factors, and (4) school climate.[31]

1. Student Demographics

While the literature is conflicting on whether truancy tends to be higher among males or whether the problem is equally divided between males and females, other student demographic factors are well established.[32] Minority students are traditionally more likely to be chronically truant than Caucasian students.[33] While this note does not provide detailed explanations into the intricacies and contributing variables of these statistics, a 2002 Colorado Foundation for Families and Children ("CFFC") survey of chronically truant youths in Colorado found that sixteen percent of the youths in the sample were Caucasian, thirty percent were Hispanic/Latino(a), and twenty-two percent were Black (*See figure 2.1*).[34] In addition to minority status, "urban youths, low income families, children living with only one parent, children from large families, and children whose parents do not have high school degrees" are at a greater risk of being chronically truant.[35]

---

[27] Gonzales ET AL., *supra* note 2, at 5.
[28] *Id*.
[29] *Id*.
[30] *Id*.
[31] Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell ET AL., *supra* note 19, at 204-05; Rachel Spaethe, *Survey of School Truancy Intervention and Prevention Strategies*, 9 KAN. J.L. & PUB. POL'Y 689, 691 (2000); Rohrman, *supra* note 1, at 41-43.
[32] Bell ET AL., *supra* note 19, at 203; *E.g.* Heilbrunn & Seeley, *supra* note 3, at 4; Gonzales ET AL., *supra* note 2, at 6.
[33] Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell ET AL., *supra* note 19, at 204.
[34] Gonzales ET AL., *supra* note 2, at 6.
[35] Heilbrunn & Seeley, *supra* note 3, at 4.



2. Family Characteristics

While student demographics can help identify students more likely to be truant, one of the most significant factors affecting truancy are parental views on education.[36] Parental involvement in school and student homework has been shown to result in better attendance rates.[37] In contrast, students whose parent(s) believe that it is acceptable for their children to miss school in order to meet family needs, such as caring for a younger sibling or working to support the family income, have an obviously higher tendency of truancy.[38] Several studies have shown that "truants were more likely to come from single parent homes and have more siblings than non-truants."[39] Also, over ninety percent of truant children have reported a moderate to high level of stress existing in the home.[40]

3. Personal and Psychological Factors

Students' personal and psychological traits have a significant influence on their daily decisions to attend school.[41] Many truant students share several of the same personal and

---

[36] Spaethe, *supra* note 31, at 691; *see also* Bell ET AL., *supra* note 19, at 204; Patricia Jenkins, *School Delinquency and School Commitment*, SOC. OF EDUC., 1995, at 221, 223.
[37] Jenkins, *supra* note 36, at 225; *see also* Heilbrunn & Seeley, *supra* note 3, at 4.
[38] Spaethe, *supra* note 31, at 691; *see also* Bell ET AL., *supra* note 19, at 42.
[39] Amy Diebolt & Lisa Herlache, *The School Psychologist as a Consultant in Truancy Prevention*, ANN. MEETING OF THE NAT'L ASS'N OF SCH. PSYCHOL., March 21-23, 1991, at 1, 3, *microformed on* ERIC database, Fiche ED334487.
[40] Gonzales ET AL., *supra* note 2, at 6; *see also* Jane Corville-Smith, Bruce Ryan, Gerald Adams & Tom Dalicandro, *Distinguishing Absentee Students from Regular Attenders: The Combined Influence of Personal, Family, and School Factors*, J. OF YOUTH AND ADOLESCENCE 629, 631 (1998).
[41] Heilbrunn & Seeley, *supra* note 3, at 4. *See generally* Neville King & Gail Bernstein, *School Refusal in Children and Adolescents: A Review of the Past Ten YEARS*, J. OF THE AM. ACAD. OF CHILD AND ADOLESCENT PSYCHIATRY 197 (2001).

psychological problems. Truant students tend to have lower self-esteem, fewer social skills, and may lack friends.[42] In addition, a student's perceptions of school and how they feel in the classroom environment are significant determinants for children deciding whether to attend school.[43]

4. School Climate

School climate, including attachment to teachers, the effect of specific truancy policies, and feelings of physical safety, has been shown to greatly affect a student's desire to attend school.[44] The connection between truancy and school climate is drawn when looking at the most common reasons for truancy, as reported by truant youths: (1) getting behind in schoolwork is often cited as a primary reason for truancy, as a child is less likely to attend class where he/she has missed several lessons and does not follow what is going on in the classroom, (2) boredom with irrelevant curriculum, (3) a school environment where students feel that no adults care about them or where it appears teachers do not want to be there, (4) disrespect or the appearance of disrespect from staff, and (5) simply feeling "uncomfortable" at school.[45] A student's feelings about school are known as "school attachment."[46] "When a student feels an attachment to school through a web of relationships with other students, teachers or a caring adult, it can help overcome many of the causes of truancy."[47] As such, truancy programs must encourage students to form good attendance habits by forming friendships between teachers and non-truant student attendees.[48] School discipline policies also have an effect on "school attachment."[49]

> [I]n general, students have the best attendance records in authoritative schools - those that make high demands and provide high levels of support - and the worst records in lenient schools - those that make a few demands and provide little support.[50]

Finally, feelings of safety and well-being directly affect a student's decision to attend school. Bullying is an often-ignored cause of truancy.[51] "Fear and anxieties about bullies can cause some children to avoid school, carry a weapon for protection, or even commit more violent activity."[52] A study of over 17,000 Colorado middle and high school students in the Pikes Peak region showed that fear of harm and victimization were risk factors that had a significant correlation with truancy.[53] In addition, the study showed that students with high self-esteem, positive school attitudes, pro-social activities, and positive attitudes towards police officers were less likely to be truant.[54]

---

[42] Spaethe, *supra* note 31, at 691; *see also* Corville-Smith et. al., *supra* note 40, at 631; Rohrman, *supra* note 1, at 41, Diebolt & Herlache, *supra* note 39, at 3.
[43] Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Corville-Smith et. al., *supra* note 40, at 631-32.
[44] *Id*.
[45] Gonzalez et. al., *supra* note 2, at 7.
[46] Heilbrunn & Seeley, *supra* note 3, at 4.
[47] *Id*.; Jenkins, *supra* note 36, at 222-23.
[48] Spaethe, *supra* note 31, at 690; *see also* Rohrman, *supra* note 1, at 41.
[49] Heilbrunn & Seeley, *supra* note 3, at 4.
[50] *Id*.; *see generally* Lisa Pellerin, *Urban Youth and Schooling: The Effect of School Climate on Student Disengagement and Dropout*, (Apr. 2000) (Paper presented at the Ann. Meeting of the Am. Educ. Res. Ass'n 1).
[51] Spaethe, *supra* note 31, at 691.
[52] Randy Wiler, *Bullies: A Serious Problem for Kids*, LEAWOOD POLICE DEP'T, 1999, at 1, 2.
[53] Richard Dukes & Judith Stein, *Effects of Assets and Deficits on the Social Control of At-risk Behavior Among Youth: A Structural Equations Approach*, YOUTH AND SOC'Y, 2001, at 337, 349.
[54] *Id*.

C. Cost of Truancy

Truancy affects the student, school, and community. The cost of truancy reduction programs is inconsequential compared to the societal cost of high school failure and juvenile delinquency. "School failure is so costly that there need only be minor success with truancy reduction programs in order to achieve a positive payback."[55] Truant students are far more likely not to graduate from high school and are thereby much more likely to become a burden on society, requiring taxpayer-supported welfare programs, such as income assistance, Medicaid, Food Stamps, and Women, Infants and Children.[56] High school dropouts are more than twice as likely to be in poverty, and two-and-a-half times more likely to be on welfare than a high school graduate.[57] Not only are truant youths less likely to graduate from school, but truancy has been established as a risk factor for substance abuse, delinquency, and teen pregnancy, resulting in increased tax dollars spent on additional police forces and social services.[58]

> Students with the highest truancy rates have the lowest academic achievement rates, and because truants are the youth most likely to drop out of school, they have high dropout rates as well. The consequences of dropping out of school are well documented. School dropouts have significantly fewer job prospects, make lower salaries, and are more often unemployed than youth who stay in school.[59]

It is common sense that if a student is present in school, he/she will learn. If the student is absent from school, there is no opportunity to engage in academic learning, and the student will have low academic achievement rates.

In a more direct financial connection, school districts lose federal and state funds that are based on daily attendance figures.[60] Losses in funds can reach the hundreds of thousands in light of absenteeism being as high as thirty percent on any given day in some communities.[61] The many correlative costs and impacts on school districts funds have been augmented since the implementation of the Colorado Student Assessment of Proficiency Tests (CSAP)[62] and the rules and regulations associated with the federal No Child Left Behind Act.[63] These costs create an enormous financial burden on society. "One high school dropout can be expected to cost the public in excess of $200,000 over the course of his or her life."[64]

---

[55] Heilbrunn & Seeley, *supra* note 3, at 16.
[56] *Id*. at 3.
[57] Baker et. al., *supra* note 20, at 3 ("[A]ccording to a recent report from the Bureau of Labor Statistics (2001:2), '6.0 percent of works with a high school diploma were in poverty [in 1991], considerably lower than the proportion of those who had not completed high school (14.3 percent)'…."); *see also* U.S. DEP'T OF EDUC. & U.S. DEP'T JUST., *supra* note 26, at 1.
[58] Gonzalez et. al., *supra* note 2, at 3; *see also* Garry, *supra* note 15, at 1; Bell et. al., *supra* note 19, at 205.
[59] Baker et. al., *supra* note 20, at 2-3 (citations omitted).
[60] COLO. REV. STAT. § 22-11-104(2)(c) (2004).
[61] Rohrman, *supra* note 1, at 40.
[62] COLO. REV. STAT. § 22-7-409 (2004).
[63] No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425.
[64] Heilbrunn & Seeley, *supra* note 3, at 10.

III. Colorado's School Attendance Law of 1963

The School Attendance Law of 1963, codified at C.R.S. § 22-33-104 (2004), requires that "every child who has attained the age of seven years and is under the age of sixteen years . . . shall attend public school . . . ." The law further provides that it is the parents' responsibility to "ensure" attendance of their school age child.[65]

> The general assembly hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training.[66]

Under the School Attendance Law, schools are also required to designate a District Attendance Officer ("DAO") whose duty is to enforce compulsory school attendance.[67] The DAO is responsible for "counsel[ing] with students and parents and investigat[ing] the causes of nonattendance . . . ."[68] In Colorado, the legislature endorsed the importance of student attendance by identifying student attendance as a key factor in school accreditation.[69] Legislators, school personnel, and families all understand that if a child does not attend school, the child will not be exposed to adequate opportunities for learning and advancement.

IV. Truancy Reduction Program

A. Overview

From the mid-1990s, Colorado has undertaken significant efforts through legislation, school districts, and court efforts to address attendance in schools, realizing that "[m]aking school attendance a priority is sound fiscal and educational policy."[70] One of the most successful programs in Colorado is Adams County School District 14's model Truancy Reduction Program ("TRP"). In 1999, the community served by the Adams County School District 14 schools had a median income of $20,000, a mobility rate of forty-one percent, with thirty-one percent of all students coming from Spanish-speaking households, and a forty-eight percent free and reduced lunch student population.[71]

TRP, started in 1999, provides students and families with a voluntary alternative to the court system for truant students. TRP was initiated after the successful passage of the 1996 referendum in Adams County School District 14 that provided funds for Keep Kids in School ("KKIS") projects. The KKIS Committee, composed of citizens and school district staff,

---

[65] COLO. REV. STAT. § 22-33-104(5)(a) (2004).
[66] *Id.*; COLO. REV. STAT. § 22-33-102 (2004)("'[Parent]' means the mother or father of a child or any other person having custody of a child.").
[67] COLO. REV. STAT. § 22-33-107(1) (2004).
[68] *Id.*
[69] COLO. REV. STAT. § 22-33-104(2)(c) (2004).
[70] Gonzalez et. al., *supra* note 2, at 23.
[71] LORENZO TRUJILLO, A PRACTITIONER'S GUIDE FOR ATTENDANCE/TRUANCY PROCEDURES IN THE PUBLIC SCHOOLS IN COLORADO i, iv (2001).

identified high rates of student truancy as a major concern that negatively affected student achievement, dropout rates, the future welfare of students, the success of the school, and society, as a whole.[72] Through the TRP, Adams County has identified effective strategies for addressing the root causes of truancy, intervening with chronic youths, and preventing truant behavior from evolving into juvenile delinquency and eventual adulthood problems. For example, strategies include: mandated before-and-after school tutoring, Saturday school, detention before and after school, group and peer counseling, green slip completion,[73] daily counselor monitoring of student homework completion, drug and alcohol testing, parents attending school with their child, and other such interventions addressing student issues and student progress. Education researchers give significant emphasis to the importance to providing students with extensive interventions to make them successful and keep them engaged in school as a professional learning community.[74]

The goal of the project was and is to provide a tiered series of interventions to address student and family needs by identifying the reasons for truancy problems and attempting to resolve them before resorting to formal court proceedings.[75] However, if a student fails to attend school after multiple interventions from school personnel, the school is left with no choice but to engage the judicial system to address the problems and to strongly encourage students and parents to understand the seriousness of student school attendance. Without being able to resort to the judicial system, schools lack the power to enforce consequences that are meaningful and impress otherwise unimpressionable students and their parents.

Without a doubt, it has been our repeated experience in prosecuting these cases that when one child or their parent is jailed or fined for truancy, the whole community becomes more vigilant about student attendance. It is not often that incarceration or fines must be imposed. By far, the majority of cases resolve themselves with students returning to school. The following data provide an insight into the significant results of a quality truancy reduction effort by a school district.

B. Implementation

In Adams County School District 14 (ACSD 14), habitual truancy is defined, consistent with Colorado law, as any child over the age of seven and under the age of sixteen who obtains "four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year."[76] The success of the TRP lies in its early identification and interventions to address the underlying issues resulting in truancy. At the first sign of

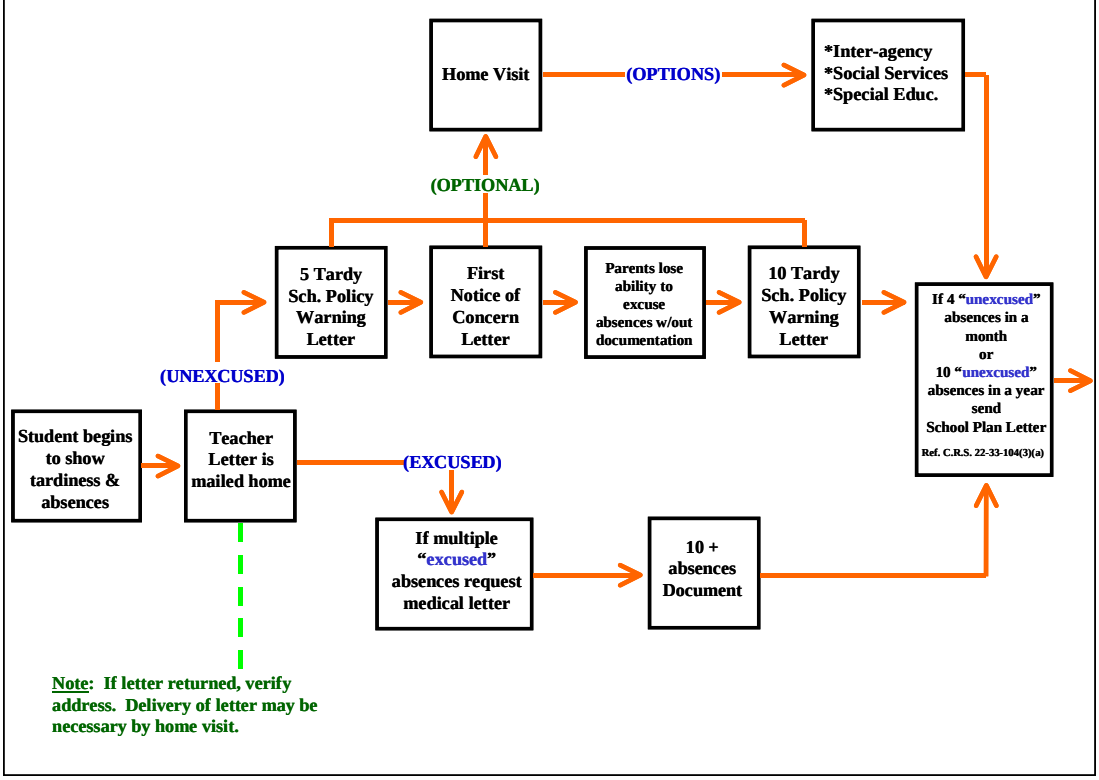
---

[72] Memorandum from Lorenzo Trujillo, to Dr. John Lange & Cindi Seidel, District Attendance Office Report for 2002-2003 1, 2 (Jun. 27, 2003) (on file with author).
[73] Students have teachers sign a green slip after every class and provide it to the counseling office at the end of the day showing class attendance. The counseling office sends the green slip to the parents for their signature of acknowledgment. This process provides a detailed record of a student's activities and presence throughout the day.
[74] *See generally* RICHARD DUFOUR & ROBERT EAKER, PROFESSIONAL LEARNING COMMUNITIES AT WORK: BEST PRACTICES FOR ENHANCING STUDENT ACHIEVEMENT (Nat'l Educ. Service 1998); ROBERT EAKER, RICHARD DUFOUR, & REBECCA DUFOUR, GETTING STARTED: RECULTURING SCHOOLS TO BECOME PROFESSIONAL LEARNING COMMUNITIES (Nat'l Educ. Service 2002).
[75] Trujillo, *supra* note 71, at iv.
[76] COLO. REV. STAT. § 22-33-107(3)(a) (2004).

truancy, a teacher letter is mailed to the student's home. Simultaneously, at the local school level, an Attendance Liaison monitors student records to identify students who are habitually truant. Those students identified as habitually truant are placed on an Attendance Improvement Plan, prepared by the Attendance Liaisons, parents, and school staff and administration, and a letter of notice is sent to the student's home. The Attendance Improvement Plan provides a record of interventions and responsibilities of the school and of the student and family. The plan is agreed to and signed in a conference involving the student, parents, and school personnel. It also contains a release of confidential information for parents to sign to allow school personnel to work with other agencies in the community in an effort to meet a student's needs and to address potential issues with The Family Educational and Privacy Rights Act.[77]

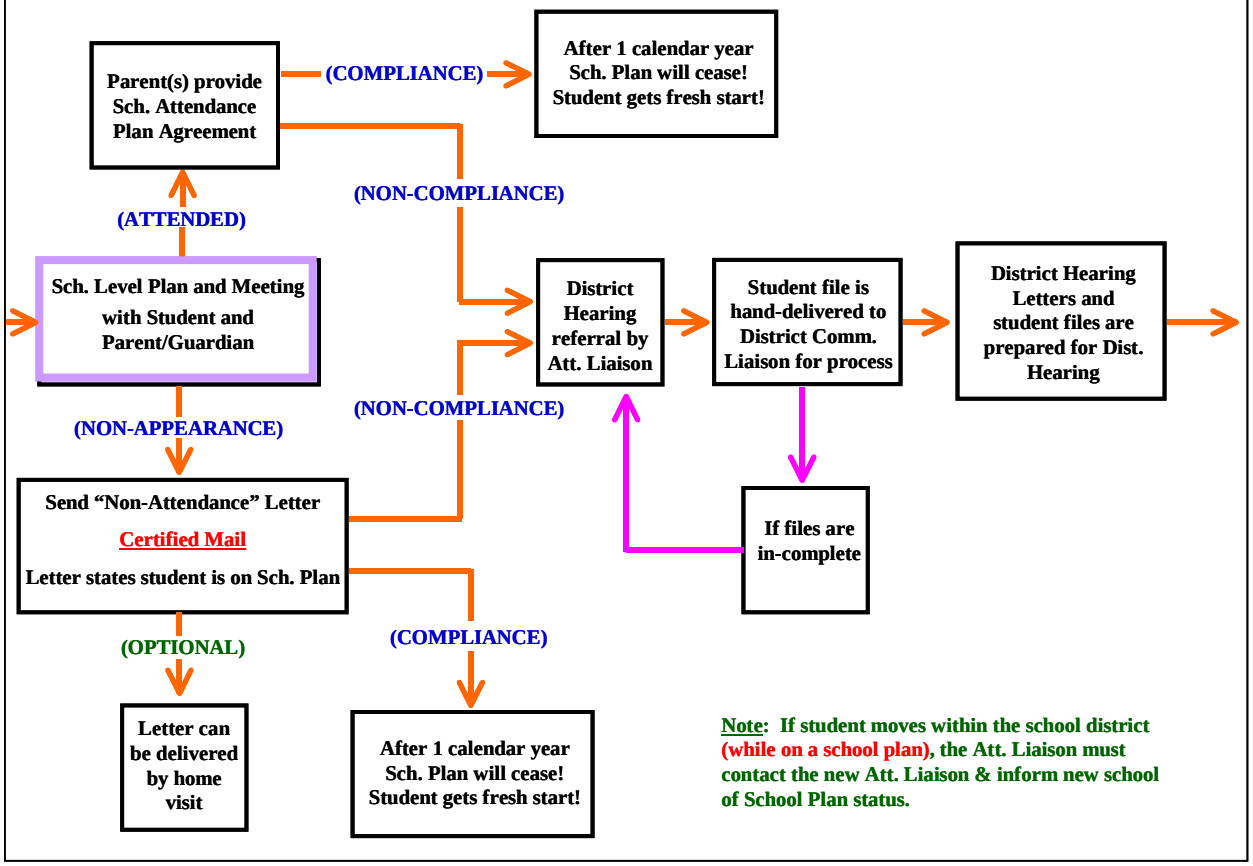
If the student returns to regular attendance of school, the matter is dismissed. However, if the student continues a pattern of non-attendance, the school-based Attendance Liaison reports and refers the matter to the District Attendance Office. The District Attendance Officer and the District Community Liaison review the student's file for thorough documentation and accuracy. The Community Liaison then determines if the student should be referred to a District Level Hearing. If not, the Community Liaison remands the matter back to the local school for further documentation, monitoring, and/or interventions. If the Community Liaison determines that the student and family should be scheduled for a District Level Hearing, the student's documents are transferred to the Court Liaison for scheduling of a hearing in front of the District Hearing Officer or InterAgency. (*See Figure 4-1 and 4-2*).

Figure 4-1



[77] 20 U.S.C. § 1232(g) (2004); 24 C.F.R. pt. 99 (2004).

Figure 4-2



The Court Liaison then reviews the student's file and sets the matter for an In-District Hearing before the District Attendance Officer and/or Inter Agency. The Court Liaison also prepares a bi-monthly hearing docket of In-District Hearings, works with InterAgency, notifies the schools of all developments, and prepares the hearing record. The Court Liaison works in collaboration with the Attendance Liaison and the District Hearing Officer to determine the intervention hearing, either InterAgency or In-District Hearing that is most appropriate under the circumstances for the child and his or her family.

C. Personnel

At first glance, the TRP would seem to require many personnel. However, in ACSD 14, this model is administered by one Court Liaison, who holds the position of District Attendance Officer, one Community Liaison, and a part-time legal secretary. There is a paraprofessional in each school who performs the duties of Attendance Liaison in conjunction with his or her duties as a secretarial and staff relief person. At the time this data was compiled, in-district legal counsel provided part-time counsel to the TRP. Currently, a contract attorney is employed as legal counsel for the TRP.

During the spring semester of 2005, student attorneys from the University of Colorado School of Law began assuming the role of legal counsel, for academic credit, to District Attendance Officers in schools in four of the Adams County school districts. Pursuant to Colorado law, a clinical professor from the Juvenile and Family Law Clinic oversees student attorney work. In this way, the public schools have been able to pursue truancy matters efficiently and effectively without the associated costs of legal counsel.[78] This program and how it operates is still in its pilot phase and is undergoing continuous development.

D. InterAgency and In-District Hearing

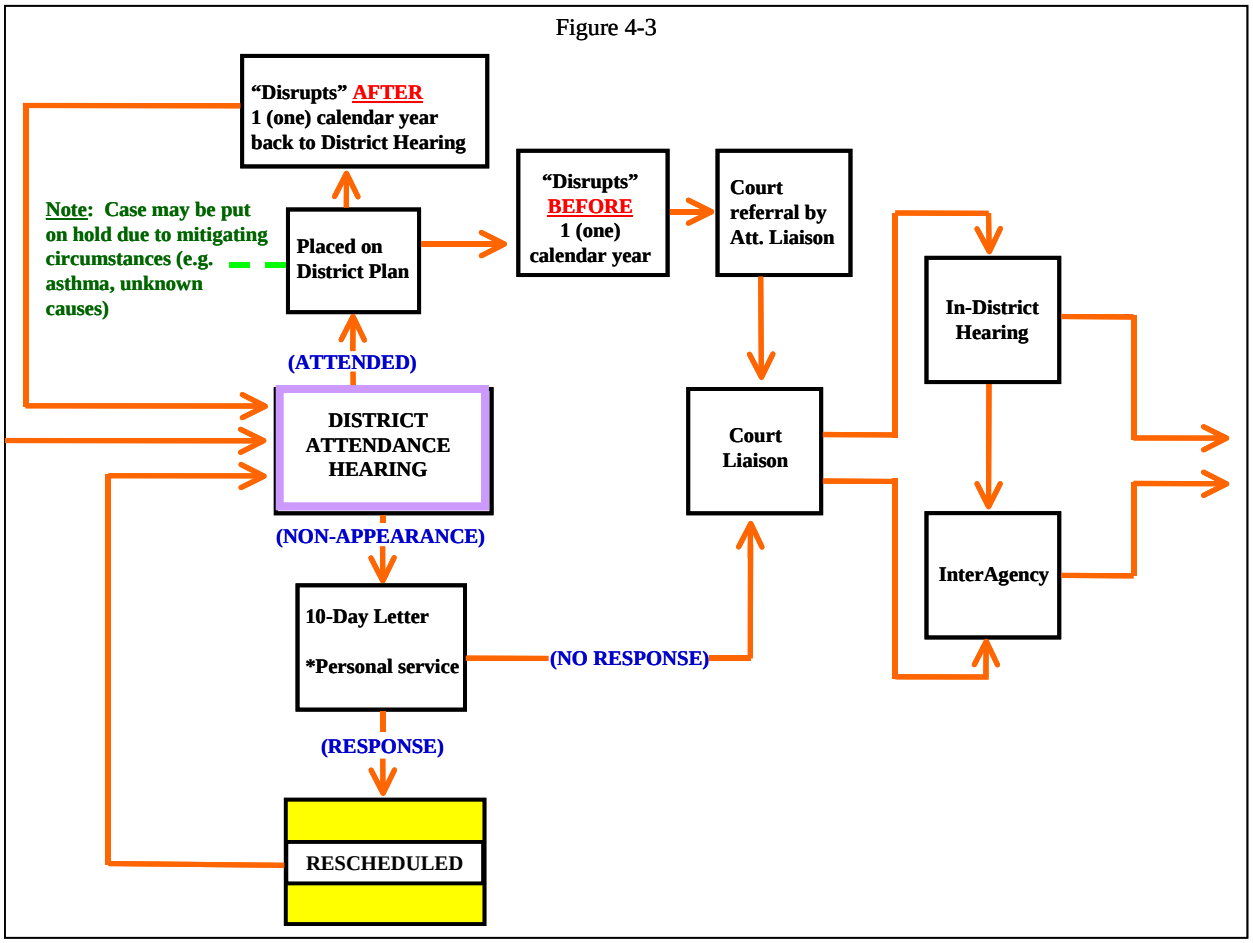
As noted above, a student and his or her family may be referred to an InterAgency Hearing or an In-District Hearing at the request of the family or through a referral by the Court Liaison. An In-District Hearing is convened when the matter at issue is primarily related to truancy without correlative issues of special needs, delinquency behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district. When such issues do exist, an InterAgency Hearing is convened to allow intervention from various school related agencies, rather than through school or court interventions alone.

At an In-District Hearing, the student and family are fully advised of the consequences of truancy by an In-District Hearing Officer and jointly prepare an attendance contract, specifying interventions to avert further truancy. If the student continues to be truant, the student may be sent directly to the district court. Alternatively, a student may be sent to an InterAgency Hearing, if truancy continues and the student is identified, by the In-District Hearing Officer, as a special needs student, has delinquent behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district.

At an InterAgency Hearing the student, family, the Special Education Coordinator for the school district, and a panel of professionals from the school, social services, mental health, diversion, probation, School Resource Officer, and other school-related agencies, jointly prepare an attendance contract specifying interventions to avert further truancy and to address other correlative issues. Interventions may include individual and/or family counseling, advocacy for parents, resource identification for families, procuring insurance or medical services, day treatment, tutoring, Saturday classes, Social Services assistance, parenting classes, or drug and alcohol assessments and treatment. (*See figure 4-3*).

[78] COLO. R. CIV. P. 226; COLO. REV. STAT. § 12-5-116.2 (2004).

Figure 4-3

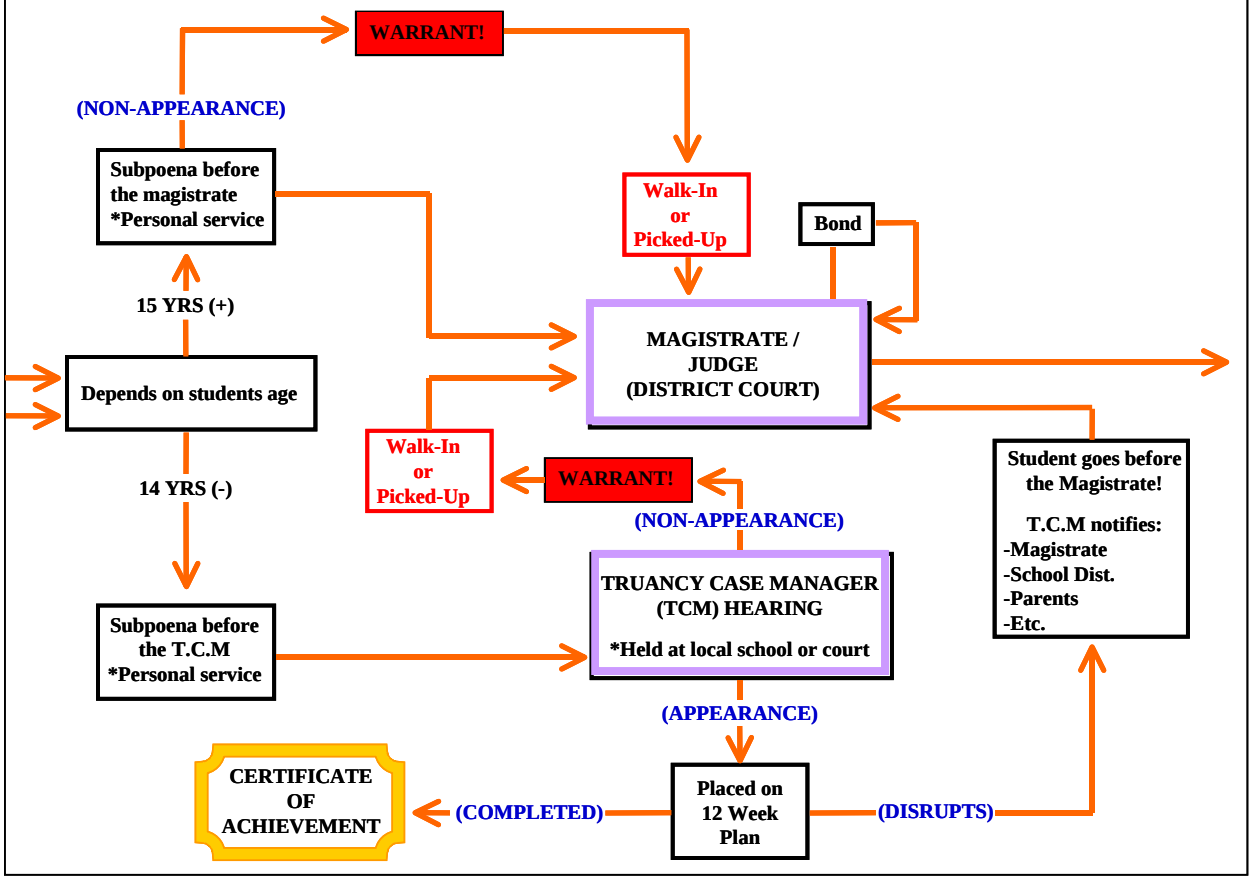


E. Hearing Before a Magistrate or Judge

Students, fourteen years of age or younger, who continue a pattern of truancy after an InterAgency Hearing or after an In-District Hearing are referred to the Truancy Case Manager (TCM) to address issues and concerns and to avert further legal action. "The [Truancy] [C]ase [M]anager is a family advocate whose goal is to provide families the support they need to get their children to school."[79] If students are fifteen years of age or older, the case is direct-filed for prosecution in court proceedings. Students referred to the TCM are placed on a twelve-week plan. If the student complies with the plan, the matter is dismissed. The TCM provides a heightened daily monitoring of the student's attendance with periodic conferences with parents and the student. The TCM also, as a result of a Colorado Department of Education grant, may provide needy students with school supplies, materials and even clothing, if necessary. If the student disrupts and does not comply with the twelve-week plan, the student is referred back to the District Attendance Officer/Attorney of the school district for prosecution in court. In preparation for court, the TCM prepares a report to the court detailing the TCM's case evaluation. A copy of this report is provided to the school district in anticipation of a direct filing in front of a magistrate or judge. (*See Figure 4-4*).

[79] Heilbrunn & Seeley, *supra* note 3, at 6.

Figure 4-4



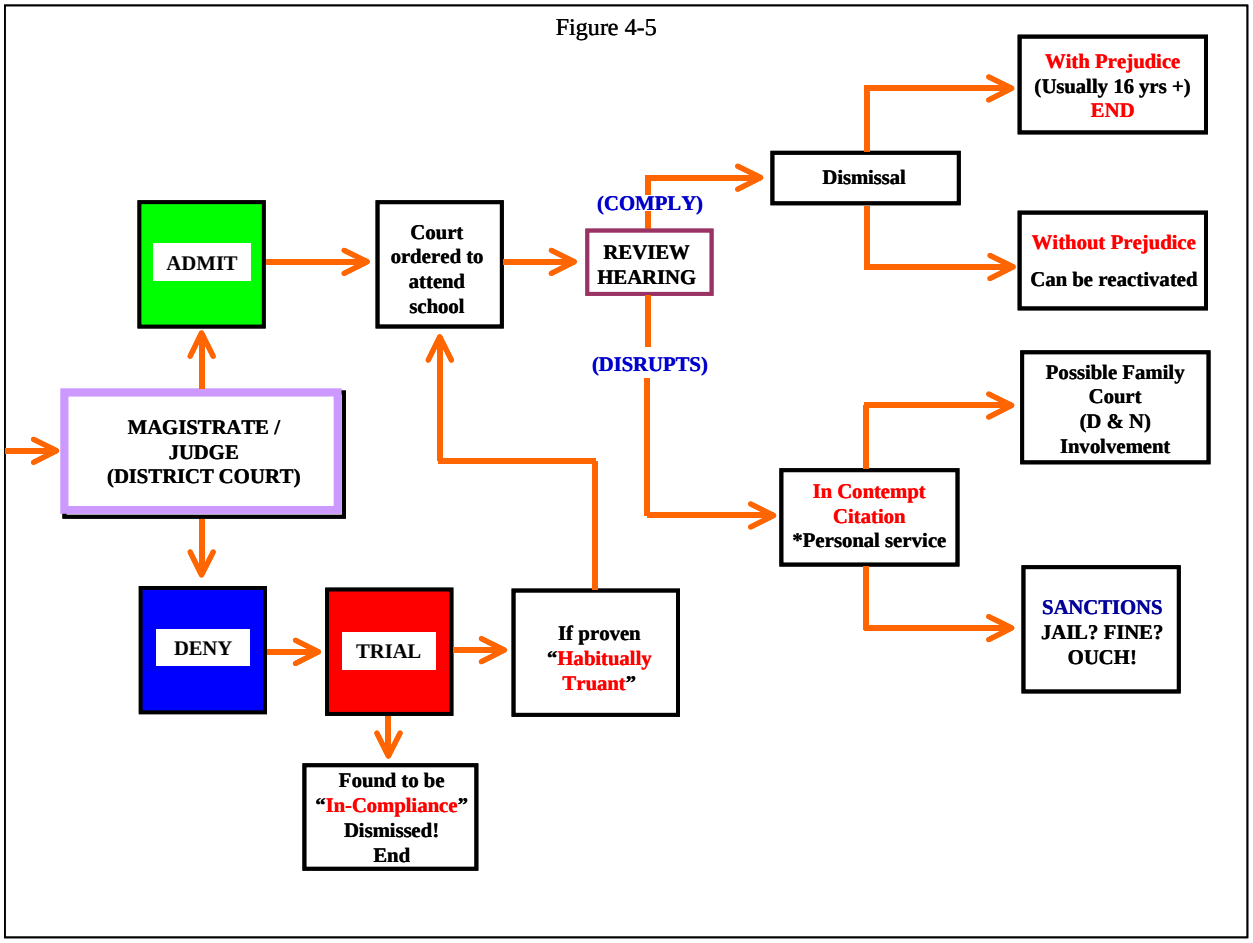
The District Attendance Officer/Attorney for the school district files the case with the district court and sets a date for the hearing and advisement of the students and family. The district court magistrate/judge hears the case. If the family and student deny the charges of habitual truancy, a trial is held. If the family and student are found not habitually truant and in compliance, the case is dismissed. If the court finds the student habitually truant, or the student and family admit the charges, the court orders the student to attend school.

A review hearing is then scheduled, at which time, if the student is complying with the Order to Compel School Attendance, the case is dismissed without prejudice or set for later review if there is reason to believe there is need for further monitoring of the student's progress and well-being. If the student does not comply with the Order to Compel School Attendance, the school district attorney may motion the court for a Contempt Citation. If the court grants the motion for contempt, a date for review and a hearing on the contempt citation is set to provide the student and family with an advisement. Notice must be given to the respondent a minimum of twenty days prior to the hearing.[80] At the hearing, the student and family may admit to contempt or the court will set a date for a Show Cause Hearing, at which time the school district must prove contempt beyond a reasonable doubt.

[80] COLO. R. CIV. P. 107(6)(c).

If contempt is admitted or proven, the court may impose sanctions, including a fine of up to twenty-five dollars per day of absence, up to six months in jail, removal of the student's driving privileges, community service, drug and alcohol testing and/or counseling, mental health evaluation, and any other sanction deemed appropriate by the court.[81] (*See Figure 4-5*). These are serious consequences that may be imposed on the parents of students, as well as upon the students who are of an age to understand the implications of their behavior.

Figure 4-5



F. Cost

Truancy is a predictor of juvenile crime. In 2001, Adams County's cost of juvenile delinquency, including the cost of court operations, detention, residential treatment facilities, probation, and the money earmarked to provide alternatives to detention, totaled in excess of four and half million dollars.[82] With an average cost per delinquent incident of $3,853[83] and many individual youths offending multiple times, reducing truancy in even one child can be enough to make a truancy reduction program successful.

[81] COLO. REV. STAT. § 22-33-108(8) (2004).
[82] Heilbrunn & Seeley, *supra* note 3, at 11.
[83] *Id.*

Adams County's TRP cost $48,943 in 2001. *(See Figure 4-6)*. However, during the 2000-2001 academic years, thirty-eight students successfully completed the TRP. If all thirty-eight students eventually graduate from high school, the TRP "will have generated a savings of almost $8 million, even if no juvenile delinquency is averted" (*See Figure 4-6*).[84] These data are for the students who were participants in the TRP at the Truancy Case Manager level, and do not include the much higher number of students who were identified at the school levels. If the number of students who participated in the local school district's truancy project interventions were included, the number of successes would be much higher. (*See Figure 4-7*).

Truancy Reduction Program Savings Table

Potential Government Savings Generated in Adams County in 2000-2001
Figure 4-6
Chart reproduced from Heilbrunn & Seeley, The Colorado Foundation for Families and Children

	Adams County
Total Program Cost	$48,943
Number of Youths served	90
Per capita cost	$544
Number of youths who successfully completed the project	38
Percent who successfully completed the project	42%
Per capita savings associated with high school graduation	$208,371
Total potential savings if all youths who complete the project graduate from high school*	$7,869,155
Breakeven success rate**	1 of 383 truants
Breakeven point for return on investment***	1 graduate every 4.2 years

* Equals "number of youths who successfully completed project" multiplied by "per capita savings associated with high school graduation" minus "total program cost".

** The rate at which program participants must eventually graduate from high school in order for government savings to offset the program cost.

*** The number of project participants who must eventually graduate from high school in order to offset the cost of the TRP. Additional graduates represent net government savings.

G. Results

The TRP has had dramatic results since its inception. Truancy rates have been radically reduced in Adams County School District 14. The successful project has gained notable recognition and has been replicated in other parts of the state. For example, in the first year of the ACSD 14 TRP (1999-2000), 225 students in ACSD 14 were identified as habitually truant, and only ten cases were prosecuted at the level of Contempt of Court. District revenues generated from truancy project filings that resulted in increased per pupil counts amounted to a value totaling $286,000 for the 1999-2000 school year and $368,500 for the 2000-2001 school year.[85] Although revenue to support implementation of the TRP is a concern, the education of our youth is more important. To this end, the majority of cases were resolved and students returned to their classes. Elementary student daily attendance rates soared to 95.9% in 1999-

[84] *Id*. at 15.
[85] Trujillo, *supra* note 72, at 3.

2000. In the most recent year that data is available, 320 students were identified as being habitually truant and only sixteen progressed to the level of contempt. Again, most of the students identified and treated in the TRP have returned to regular school attendance (*See Figure 4-7*).[86]

Adams CountySchool District 14 Attendance Report		
Figure 4-7		
Chart reproduced from Trujillo, *District Attendance Office Report for 2002-2003*		
School Year	**Dist. Attendance Office Filings**	**Contempt Filings**
2002-2003	320	16
2001-2002	284	15
2000-2001	216	16
1999-2000	225	10

V. Conclusion

Truancy is the sine qua non (underlying principal factor) of more grievous problems, which manifest themselves in behavior involving drugs, weapons, assaults, and habitually disruptive behavior. Left unattended, this problem will continue to have a severe impact on schools, courts, and communities. Adams County School District 14 has implemented a plan that has proved to be successful. However, the process is far from over.

School districts will greatly benefit from the involvement and support of practicing attorneys. Attorneys may: (1) serve as pro bono extern supervisors to law students working in the TRP; (2) provide pro bono services to the courts by accepting guardian ad litem appointments; or (3) accept a mentoring role through a TCM to provide appropriate interventions to students to help keep them in school.

The ACSD 14 TRP and other TRPs will continue to develop and evolve as the importance of school attendance gains more focus as a factor in school accreditation and students' academic and lifelong success. It is in the best interest of all citizens and our children to ensure that effective efforts, such as the ACSD 14 TRP, are developed to break the negative cycle of behavior that begins with truancy.

[86] *See* Trujillo, *supra* note 71*; see also* Trujillo, *supra* note 72.

A Practitioner's Guide For Attendance/Truancy Procedures in the Public Schools in Colorado

Lorenzo A. Trujillo

Forward and Acknowledgments

This practitioner's guide is to provide school district officials and attorneys with a sample guide to the procedures that may be employed in the enforcement of the School Attendance Law of 1963. Because the law and individual school district needs and resources are in constant change, this guide is intended to provide a resource of information, procedures and sample forms, letters and pleadings. **PLEASE NOTE THAT THE FOLLOWING SAMPLE FORMS ARE FOR ILLUSTRATION ONLY. YOU SHOULD CONSULT WITH YOUR SCHOOL ATTORNEY FOR PROPER FORM, LANGUAGE, AND USE IN EACH PARTICULAR SITUATION.**

The 17th Judicial District and Adams County School District 14 have been very successful in establishing high standards for student attendance. This success has been a result of the efforts of the Court under the administration of Chief Judge Harlan Bockman, Juvenile Chief Judge John Jess Vigil, and Magistrate Johnny Barajas. Magistrate Barajas has committed notable efforts and energy to ensure the success of truancy reduction among the students who appear in his courtroom. He is direct, firm and successful in focusing students attention on the issues and solutions. Much gratitude is due to Catherine Luevano, Rosalie Carbajal, Louis Morales Jr., and the school-based attendance liaisons who have managed the Truancy Reduction Project day-to-day operations over the past four years. Because of the focused efforts of these people, daily student attendance in Adams County School District 14 has shown continual improvement during each year of the project's operation. Thank you.

The information provided herein is the product of the author and not the responsibility of the publishing entity or of the affiliate school district.

Lorenzo A. Trujillo, Ed.D., J.D.
Adams County School District 14
District Attendance Officer
Attorney & Counselor at Law

Copyright © by Lorenzo A. Trujillo
Denver, Colorado
2001

TABLE OF CONTENTS

Forward i

Table of Contents ii

Preface iv

ATTENDANCE/TRUANCY PROCEDURES

Local School Level 1

District Attendance Office. 1

InterAgency Hearing &/or In-District Hearing 2

Truancy Case Manager 3

District Court
Disrupts and 14 - 15 year old students 4

Forthwith Hearing 5

Motion, Citation and Order in Contempt of Court 5

Show Cause Hearing and Sanctions 6

Motion to Dismiss with/without Prejudice 6

Vindication 6

School Records 7

Notice of Transfer of School District Dominion 7

Apendices [Forms, Letters and Pleadings Samples]

1. Letter of Notice to all Parties
2. Attendance Improvement Plan at the School Level
3. Notice to Parents of In-District Hearing
4. District Attendance Contract

5. Consent and Release of Confidential Information
6. Cover Sheet for Court Filing and Request for a Case Number (Truancy Case Manager)
7. Affidavit of Attendance
8. Notice of Hearing before the Truancy Case Manager
9. Summons
10. Petition for Order to Compel School Attendance
11. Order to Compel School Attendance
12. Affidavit of Return of Service
13. Cover Sheet for Court Filing before the Judge/Magistrate
14. Notice of Hearing
15. Motion for a Forthwith Hearing
16. Order for a Forthwith Hearing
17. Motion for a Contempt Citation
18. Citation for Contempt
19. Order for Contempt Citation
20. Motion for Appointment of Attorney
21. Order for Appointment of Attorney
22. Motion for Appointment of Guardian ad Litem
23. Order for Appointment of Guardian ad Litem
24. Motion to Dismiss with Prejudice
25. Order to Dismiss with Prejudice
26. Motion to Dismiss without Prejudice
27. Order to Dismiss without Prejudice
28. Motion to Vindicate
29. Order to Vindicate
30. Submission of Individual Education Plan Under Seal
31. Submission of Student's Discipline File Under Seal
32. Notice of Transfer of School District Dominion

All of these pleadings are provided to our families in Spanish when the home language is Spanish. Because the largest non-English speaking population in Adams County School District 14 is Spanish speaking, we provide these forms in a language the parents can understand.

Preface

In the past four years, legislation and local school and court efforts to address students' attendance in school have increased. The School Attendance Law of 1963, codified at C.R.S. §22-33-104 (2000), requires that "every child who has attained the age of seven years and is under the age of sixteen years . . . shall attend public school . . . ." The law further provides that it is the parents' responsibility to "ensure" attendance of their school age child. C.R.S. § 22-33-104 (5)(a) (2000). Schools are required to designate a District Attendance Officer whose duty is to enforce compulsory school attendance. C.R.S. § 22-33-107 – 108 (2000).

The legislature endorsed the importance of student attendance by identifying student attendance as a key factor in school accreditation. C.R.S. § 22-11-104(2)(c) (2000) Legislators, school personnel and families all understand that if a child does not attend school, the student will not be exposed to the opportunities for learning. The opposite also holds true. That is, if a child attends school on a regular basis, he or she will be exposed to learning opportunities.

As a result, school districts have increased their focus on the daily attendance rate of their students. The judicial system has stepped forward to provide the backbone and necessary support to enforcement efforts. In Adams County, 17th Judicial District, the courts provide focused judicial and staff efforts to enforce and support local school districts. The 17th Judicial District was the recipient of substantial grant support to initiate and implement the Truancy Reduction Project. The goal of the project is to provide a tiered intervention to address students' and their families' needs by identifying the reasons for truancy problems and attempting to resolve those problems before resorting to formal court proceedings.

In the past year (School Year 1999-2000), approximately 226 students in ACSD 14 were identified as being habitually truant. As a result of the processes and interventions, only ten cases were prosecuted at the level of Contempt of Court. By far, the majority of cases were resolved and students returned to their classes. Elementary students daily attendance rate has soared to 95.9% and continues to show improvement. The community served by the ACSD 14 schools have: a median household income of $20,000, a mobility rate of 41%, with 31% coming from Spanish speaking households, and a 48% free and reduced lunch student population. The efforts expended on behalf of the students have proven beneficial and in the students' best interest.

The following is an explanation of the administrative, management and legal systems of the District Attendance Office in Adams County School District 14. This information is provided so that it may be replicated in other school systems for the benefit and well being of all students.

Attendance/Truancy Procedures

Local School Level

Attendance Liaisons monitor students' records to identify students who are habitually truant; i.e., four unexcused absences in a month or ten unexcused absences in a school year.

Attendance Liaisons, with school staff and administration, prepare an attendance plan for habitually truant students. The Attendance Improvement Plan provides a record of interventions, responsibilities of the school district and of the student and family. It also contains a release of confidential information for parents to sign.

If the student continues pattern of non-attendance, Attendance Liaison will report and refer the matter to the District Attendance Office. If the student returns to regular attendance of school, the matter will be dismissed.

Practice Notes:

Letter of Notice to all Parties [Attachment 1]
Attendance Improvement Plan at the School Level [Attachment 2]

District Attendance Office

The District Community Liaison will review the student's file that has been referred to the District Attendance Office for thorough documentation and accuracy. The Community Liaison will determine if the student should be referred to a District Level Hearing. If not, the Community Liaison will remand the matter back to the local school for further documentation or monitoring and/or interventions.

If the Community Liaison determines that the student and family should be scheduled for a District Level Hearing, the file documents will be transferred to the Court Liaison for scheduling of a hearing in front of the District Hearing Officer or InterAgency.

Practice Notes:

Pleadings and Documents:
- Attendance Record
- Report Card
- School Attendance Plan

InterAgency Hearing &/or In-District Hearing

The Court Liaison reviews the file and sets the matter for an In-District Hearing before the District Attendance Officer and/or InterAgency.

The Court Liaison is responsible for preparing a bi-monthly hearing docket of In-District Hearings, working with InterAgency, notifying the schools, and for preparing the hearing record.

The District Hearing Officer, in collaboration with the Court Liaison and the School Attendance Liaison, reviews the student's file to determine the intervention hearing that is most appropriate under the circumstances for the child and his or her family. Based upon this pre-hearing review, the Court Liaison will set the hearing before the most appropriate hearing officer that is in the best interests of the child and family.

InterAgency

Students and families may be referred to InterAgency upon request of the family or upon referral by the school district. InterAgency is used when the circumstances surrounding a student's truancy problem is best resolved through interventions from various social service agencies rather than through court intervention. Students and families appearing before InterAgency will jointly prepare an attendance contract, specifying interventions to avert further truancy. Interventions may include individual and/or family counseling, advocacy for parents, resource identification for families, procuring insurance or medical services, day treatment, tutoring, Saturday classes, Social Services assistance, parenting classes, or drug and alcohol assessments and treatment.

In-District Hearing

When students and families appear before an In-District Hearing Officer, it is because the school district believes that further social service interventions will not address the needs of the student and family and that judicial intervention may be necessary. Students and families appearing at an In-District Hearing will receive a full advisement of consequences of non-attendance and jointly prepare an attendance contract to avert further truancy. The contract may specify interventions much like those identified in the preceding paragraph.

Practice Notes:

Check to see if student is in **Special Education**. Special Education students should have their caseworker involved in any decisions related to their interventions.

Pleadings and Documents:

- Attendance Record
- Report Card
- School Attendance Plan
- Notice to Parents of In-District Hearing [Attachment 3]
- District Attendance Contract [Attachment 4]
- Consent and Release of Confidential Information [Attachment 5]

The School District should request a Release of Confidential Information Release from the parents and student involved so that student records may be provided to agencies, individuals and the Court. C.R.S. § 19-1-303

Exchange of information is on a "need to know" basis as defined in C.R.S.§19-1-103(77.5) "agencies or individuals who need access to certain information for the care, treatment, supervision, or protection of a child"

Truancy Case Manager (TCM)

Students who continue a pattern of truancy after an InterAgency Hearing or after an In-District Hearing, will be referred to the Truancy Case Manager [TCM] to address issues and concerns and to avert further legal action. The Court Liaison will prepare the TCM docket in collaboration with the TCM. In judicial districts where there is no TCM, the case may be filed directly with the Judge/Magistrate.

If the student complies with agreements made with the TCM and attends school, the matter will be dismissed, pursuant to a Stipulation prepared by the TCM and agreed to by the District Attendance Officer/Attorney for the School District.

If the student disrupts and does not comply with the Stipulation, the student will be referred back to the District Attendance Officer/Attorney for the School District for prosecution in court. The Truancy Case Manager will prepare a report to the Court detailing the TCM's case evaluation. A copy will be provided to the school district.

Practice Notes:

Pleadings and Documents:

Court Filing Letter and Request for a Case Number [Attachment 6]
Copy of all previous documentation
Affidavit of Attendance [Attachment 7]
Notice of Hearing before the Truancy Case Manager [Attachment 8]
Summons [Attachment 9]
Petition for Order to Compel School Attendance [Attachment 10]
Order to Compel School Attendance [Attachment 11]
Affidavit of Return of Service [Attachment 12]

District Court

Disrupts and 14-15 year Olds

When a child does not comply with the intervention agreement made with the TCM, the child is considered to have disrupted. Upon recommendation from the TCM, the child is referred back to the District Attendance Officer for further legal proceedings. The District Attendance Officer/Attorney for the school district will file the case with the District Court and set a date for a hearing and advisement of the student and his/her family.

Practice Notes:

Pleadings and Documents:

Cover Sheet for Re-Filings before the Court Magistrate [Attachment 13]
Notice of Hearing (must be served on parent with at least ten days notice) [Attachment 14]
Summons [*see* Attachment 8]
Affidavit of Attendance
Petition for Order to Compel School Attendance [*see* Attachment 9]
Order to Compel School Attendance [*see* Attachment 10]
Affidavit of Return of Service

Note: - The Court must appoint a Guardian Ad Litem or Attorney to represent the child's interests.
C.R.S. § 19-1-111(2)(a)((III)(b)

Forthwith Hearing

If student does not comply with the Order to Compel School Attendance **and** the student's behavior is detrimental to the safety and welfare of himself/herself or others, the attorney may request a Forthwith Hearing. Motions to obtain sanctions, social services interventions, and an investigation as to a Dependency and Neglect proceedings may be pursued at the hearing.

Practice Notes:

Pleadings:
Motion for a Forthwith Hearing [Attachment 15]
Order for a Forthwith Hearing [Attachment 16]

Motion, Citation & Order for Contempt of Court

If upon review the student is complying with the Order to Compel Attendance, the matter may be dismissed or set for a later review. However, if it is determined that the student is not complying with the Order to Compel Attendance, the attorney may motion the Court for a Contempt Citation. This notice must be given to Respondents **20 days** prior to the Hearing (Rule 107). The Court will set a date for Review and a Hearing to provide the student and family with an advisement. The student and family may admit to Contempt or the Court will set a date for an advisement and a *show cause hearing*, when the attorney must prove contempt beyond a reasonable doubt.

Practice Notes:

Pleadings and Documents:
Order to Compel School Attendance
Affidavit of Attendance
Motion for Contempt Citation [Attachment 17]
Citation for Contempt with Notice [Attachment 18]
Order for Contempt [Attachment 19]

Optional
Motion for Appointment of Attorney [Attachment 20]
Order for Appointment of Attorney [Attachment 21]
Motion for Appointment of Guardian Ad Litem [Attachment 22]
Order for Appointment of Guardian Ad Litem [Attachment 23]

Show Cause Hearing and Sanctions

If upon review the student has complied with the Order to Compel Attendance, the matter may be dismissed or set for a later review. However, if the student has continued to fail to attend school, the show cause hearing may result in a decision of Contempt of Court and the appropriate sanctions will be applied.

If contempt is admitted or proven, the court may impose sanctions including a fine of $25 per day of absence, removal of student's driving privileges, drug and alcohol testing and/or counseling, mental health evaluation, and any other sanctions deemed appropriate by the court based upon the circumstances. C.R.S. § 22-33-108 (8) 2000

Motion to Dismiss with/without Prejudice

The attorney may move the Court to dismiss the action, for any of the following reasons: 1) the student has moved; 2) the student has complied; or 3) other just cause.

Practice Notes:

"*Without Prejudice*" means that the District may re-open the case upon a determination that the student is in violation of the School Attendance Act.

"*With Prejudice*" means that the District will not re-open the case and it is closed.

Pleadings and Documents:

Motion to Dismiss with Prejudice [Attachment 24]
Order for Dismissal with Prejudice [Attachment 25]
Motion to Dismiss without Prejudice [Attachment 26]
Order for Dismissal without Prejudice [Attachment 27]

Vindication

The District may motion the court to vindicate a matter when it feels that it cannot address the issues of the child and that no further intervention will benefit the child. This may occur when a child is in delinquency proceedings, or in Dependency and Neglect proceedings, or when the District has exhausted all remedies of intervention.

Practice Notes:

Pleadings and Documents:
Motion to Vindicate [Attachment 28]
Order for Vindication [Attachment 29]

School Records

At any time, the court may request submission of the student's records under seal (Discipline File, Individualized Education Plan, etc.).

Practice Notes:

Pleadings and Documents:
Submission of Individual Education Plan (Special Education) [Attachment 30]
Submission of Student's Discipline File [Attachment 31]

Note: These documents may be submitted *Under Seal.* The School District should request a Release of Confidential Information Release from the parents and student. C.R.S. § 19-1-303

Notice of Transfer of School District Dominion

When a student changes schools and attends in another school district within the same judicial district where a matter has been filed, the District Attendance Officer/Attorney for the school district may file a Notice of Transfer of School District Dominion. This Notice allows the Court and the other school district to continue the truancy action.

In some cases, a Transfer of Venue to a new Judicial District may be filed. However, this is rare. Judicial districts may or may not accept transfer of venue cases from another district.

Practice Notes:

Pleadings and Documents:
Notice of Transfer of School District Dominion [Attachment 32]

Appendix 1 Letter of Notice to all Parties

Date

Dear _____:

Your child, _____, has missed _____ days of school this year. _____ of these absences were unexcused. This has us very concerned about your child's academic and social progress.

> Colorado Law (CRS 22-33-104) requires every child who has attained the age of seven years and is under the age of sixteen to attend public school for at least one thousand and fifty six hours if a secondary school pupil or nine hundred sixty-eight hours if an elementary school pupil during each school year.
>
> Colorado Law (CRS 22-33-107) requires that any child who has more than four (4) unexcused absences in a month and/or ten (10) unexcused absences in a school or calendar year is considered "habitually truant". The law requires that a meeting to review and evaluate the reasons for the child being habitually truant. The student and the parents / guardians are invited to this meeting. A plan for improvement of the student's attendance will be developed at this meeting.

We would request your attendance at a meeting to discuss your child's attendance and to develop a plan that will support you and your child in improving his/her attendance. If you do not attend the meeting, the plan will be written and implemented.

This meeting will be held:
Date: _____
Time: _____
Place: _____

State law also requires judicial proceedings to be initiated if the child's attendance does not improve after the plan is developed. A referral to the Adams County Juvenile Court may be initiated because of non-compliance with state law. Should a court order be entered, the following consequences may result: mandated community service, detention of the student in a juvenile facility, referral to the Adams County Department of Social Services, monetary fine, detention of the parent in the county jail, and other such sanctions as deemed appropriate by the Juvenile Court.

We look forward to working with you and your child to resolve this problem.

Sincerely,

Principal
(School)

School Attendance Liaison
(School)

Appendix 2 Attendance Improvement Plan at the School Level

ADAMS COUNTY SCHOOL DISTRICT 14

ATTENDANCE IMPROVEMENT PLAN AT THE SCHOOL LEVEL

Student Name: _____ ID # _____ DOB _____
Cluster/House: _____ Grade: ____ Teacher _____
Number of Absences: Excused _____ Unexcused _____ (attach attendance)

INTERVENTIONS PRIOR TO INITIAL ATTENDANCE PLANS

Dates of:

Student Conference: _____ Parent Conference: _____

Phone Calls: _____ Home Visits: _____

Attendance Letters: _____ in school suspension _____

Detention _____

Other Interventions

Tutors: ___ Mentors: ___ Counseling: _____

Schedule Modifications: Yes _____ No ____ Describe _____

_____

Classroom Modifications: Yes _____ No ____

Describe

_____

_____

Other

_____

_____

To be completed at Attendance Meeting

Student and/ or parental reason for non-attendance:

_____

_____

Student and/or parental reason for tardiness:

_____
_____

Responsibilities of the Student:

1. The student is expected to be in attendance 100% of each school day and on time.
2. To attend all scheduled class sessions regularly and punctually; to accrue NO unexcused absences or tardies.
3. To comply with all school rules and expectations with regard to attendance.
4 To complete all academic assignments issued during class time or as homework.
5. To request assistance from school personnel – teachers, counselors, nurses, deans, etc. relevant to specific needs.
6. _____
   _____
   _____
7. _____
   _____
   _____

Responsibilities of the Parent/Guardian:

1. To initiate, maintain regular contact, and work cooperatively with relevant school personnel regarding _____ attendance, tardies, and academic performance.
2. To actively participate in all school conferences in their child's behalf, as requested.
3. _____
   _____
   _____
4. _____
   _____
   _____

Responsibilities of school and school district:

1. To maintain accurate attendance records and to follow relevant procedures and policies in compliance with CRS 22-33-104, and school district policy.

2. To notify parent(s)/guardian(s) in a timely fashion of concerns related to the students attendance, and/or academic performance.
3. To request parent/guardian participation in resolution of issues negatively affecting the student.
4. To prepare monitor, and maintain an attendance improvement plan by reviewing the reasons for the student's truancy.
5. _____
_____
_____
6. _____
_____
_____

INTERVENTIONS TO BE UTILIZED IN THIS ATTENDANCE PLAN

Check all that are appropriate:

_____ Student Conference _____Parent Conference

_____ Telephone calls to:

_____

_____ Schedule Modification

(describe)_____

_____

_____

_____ Classroom Modification (describe)

_____

_____

_____

____ In school suspension (for attendance)_____ Tutors _____ Mentors

_____ Detention (for attendance) _____Counseling _____

_____ Staffing considerations

_____ Referral to outside agencies: Describe _____

Other

_____

_____

_____

_____

CONSEQUENCES

From the date of this plan if a student has more than _____ unexcused absences the following will occur:

_____,1) Recommendation to District Attendance Hearing. Representatives from social and human service agencies representing Adams County may be invited and may attend the hearing.

_____ 2) Other_____

Review Date

A review of the plan will be held on _____. If the plan is successful recommendations may include: _____ Continuance of Monitoring _____ Modification of Plan _____ Termination of Plan

Other _____

Parental Notification

Parents / Guardians were notified of the meeting to develop this plan by (date (s)) Mail _____ Phone _____ Other means of notification _____

(Attach any documentation of notification.)

ACKNOWLEDGEMENT OF PLAN

I understand the Attendance Improvement and the conditions set forth in accordance with Colorado State Law, Article 33, Part 1, School Attendance Law of 1963, 22-33-104, Compulsory Attendance, and 22-33-104, Compulsory School Attendance, and 22-33-107, Enforcement of Compulsory School Attendance.

_____

Student Date Parent Date

_____

Administrator Date Staff Member Date

_____

Attendance Liaison Date Other Date

Release of Information

In the event this attendance plan is not successful, the student may be referred to a District Attendance Hearing and/or the District Interagency Staffing Team. The hearings may have representatives of service agencies for the community, which have dedicated their staff to helping youth. The agencies may provide services to the family and/or student who encounter any one agency alone. To provide this service it is necessary to gather all the information possible, which will help the hearing teams understand the problem and allow them to make recommendations which will benefit the persons involved. This material will be treated in a highly confidential manner.

I hereby authorize the Attendance Hearing and/or Interagency Team to discuss my child.

_____ _____

Signature of Parent (or Guardian) Date

Appendix 3 Notice to Parents of In-District Hearing

PARENT/GUARDIAN NOTIFICATION OF DISTRICT ATTENDANCE HEARING

Parent(s)/Guardian(s):

Address:

Student:

School:

Grade:

D.O.B.:

Phone:

Your child has been unsuccessful with his/her prior attendance plan(s). As a result, an attendance hearing will be held to review the past plan(s), and to develop a Final Attendance Plan to see if we can assist your child in improving his/her attendance.

As the parent(s)/guardian(s), you and your child are requested to attend an attendance hearing, which will be held at the following:

Date: **Time:**

Place:

We feel that it is very important that we have your suggestions as a parent/guardian. It is valuable to know from you how your child is doing at home and in the community, as well as in school. If you or your child does not attend this hearing, personnel will develop the attendance plan in attendance. ***Because of the number of people involved, and their schedules, the meeting time cannot be postponed.***

The following agencies may be in attendance at the meeting: Representatives from your child's school, Adams County Juvenile Probation and/or Diversion, Adams County Social Services, Adams County Mental Health, Adams County District #14 Student Services, Commerce City Community Health and Law Enforcement agencies.

If this Final Attendance Plan does not improve your child's attendance, judicial proceedings will be initiated.

If you have any questions about this meeting, or if you cannot attend, please call
----------, District #, Court Agency Liaison, (303) ----------.

Sincerely,

---	---
District Attendance Officer	Court Agency Liaison
-------- County School District #	-------- County School District #

Appendix 4 District Attendance Contract

STUDENT ATTENDANCE CONTRACT
DISTRICT LEVEL HEARING

STUDENT NAME _____ DATE OF BIRTH _____
SCHOOL _____ GRADE _____
ID # _____
PARENT/GUARDIAN _____
ADDRESS _____
PHONE (HOME) _____ (WORK) _____
DATE OF HEARING _____ TIME OF HEARING _____

Student reason for non-attendance

Parent reason for student non-attendance

Responsibilities of the Student:

___ Attend all scheduled class session regularly and punctually and to accrue NO UNEXCUSED absences or tardies.
___ To request assistance from school personnel relevant to specific needs. (Identify specific person(s)) _____

Other:
A. _____
B. _____

Responsibilities of the Parent/Guardian:

___ To initiate, maintain regular contact, and work cooperatively with relevant school personnel regarding the student's attendance.
___ To actively participate in all school conferences for the student.
___ To verify all absences because of illness with doctor's note or school nurses note.
___ To call in all absences to _____ at _____ .

Other:
A. _____
B. _____

Responsibilities of the School:

___ To maintain accurate attendance records and follow relevant procedures and policies in compliance with C.R.S. § 22-33-104, and school district policies.

___ To notify parent(s)/guardian(s) in a timely fashion of concerns related to the student's attendance. Call _____ at _____ each day the student is absent.

___ To request parent(s)/guardian(s) participation in resolution of attendance issues.

___ To prepare, monitor, and maintain an attendance improvement plan by reviewing the reasons for the student's truancy. The student's relevant school personnel and parent(s)/guardian(s)will take part in this attendance improvement plan.

Other:

A. _____

B. _____

Services of Community Agencies (interventions and/or assistance)

A. _____

B. _____

C. _____

Consequences of continued non-attendance

After _____ **unexcused** absences, as determined by the principal following school district board policy, judicial proceedings will be initiated.

Other

_____

_____

Acknowledgements

We have participated in the development of this agreement and understand the information herein.

_____	_____
Student	Parent/Guardian
_____	_____
District Hearing Officer	Parent/Guardian
_____	_____
Court Agency Liaison	School Official
_____	_____
Other	Other

Appendix 5 Consent and Release of Confidential Information

CONSENT AND RELEASE OF CONFIDENTIAL INFORMATION AND RECORDS

Student's Name _____ Date of Birth _____
Address _____
City, State Zip _____
Student's ID Number _____ School _____ Grade ____

I request and authorize the _____ School District and its agents to release confidential school information and records about the above named student to the agencies or individuals who need access to the information for the care, treatment, supervision, or protection of the student named herein. Agencies or individuals may include but are not limited to: Adams County Social Services, Adams County Probation, Adams Community Mental Health, Adams County Juvenile Diversion, Law Related Agencies, and the Courts.

I certify that this request and authorization is made voluntarily and that the information given above is accurate to the best of my knowledge.

_____ _____
Date Signature of Parent/Guardian

Appendix 6 Cover Sheet for Court Filing and Request for a Case Number

NOTICE OF FILING AND REQUEST FOR A CASE NUMBER (Truancy Case Manager)

[Date]

Clerk of Courts

RE: ----------School District v.
----------School District v.

Dear Clerk:

Enclosed for filing are the original and two copies of a Notice of Hearing before the Truancy Case Manager, Summons, and Petition for Order to Compel School Attendance for each of the truancy matters referenced above. Please assign a case number to each matter and place the case on the [Date] TCM docket.

Once we have received the case numbers, we will serve it, along with the other documents, upon the respondents.

If you have any questions, please do not hesitate to call.

Very truly yours,

----------SCHOOL DISTRICT

_____
Signature Line

Enclosure

Appendix 7 Affidavit of Attendance

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
AFFIDAVIT OF ATTENDANCE	

COMES NOW _____ , the affiant herein, and states as follows:

1. The affiant is the _____at_____ _____.

2. This AFFIDAVIT concerns_____ a minor child obligated to attend school.

3. Said minor child's parent(s) or legal guardian(s) is/are _____ _____.

4. The affiant has examined the official school attendance records pertaining to said minor child, together with reports created and maintained by said minor child's classroom teacher in the ordinary course of school business.

5. Based upon such official records, said minor child's attendance is as follows,

UNEXCUSED ABSENCES: EXCUSED ABSENCES:

ATTENDANCE YEAR TO DATE: ____ out of _____ of school days

ATTENDANCE REPORTING PERIOD COVERS:

_____
Name

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Sworn to and subscribed before me this _____ day of _____ ,2001

Witness my hand and official seal.

_____

Notary Public

My commission expires:

Appendix 8 Notice of Hearing before the Truancy Case Manager

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME,** A Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
NOTICE OF HEARING BEFORE THE TRUANCY CASE MANAGER	

TO: Respondents

YOU ARE HEREBY NOTIFIED that the above-captioned matter has been set for a hearing before the _____ County District Court Truancy Case Manager, _____, regarding the Petitioner's Petition for Order to Compel School Attendance. You are notified to appear at the hearing scheduled for _____**, _____ __, 2001** at ____ **a.m./ p.m.**. The hearing is being held at the _____ **County Judicial Center**, located at _____, _____, Colorado, Division __, Courtroom ____, (303) ____-_____**.** If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date_____.

----------SCHOOL DISTRICT

By:_____

Signature Line

Appendix 9 Summons

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
SUMMONS	

TO THE RESPONDENTS NAMED ABOVE:

[Minor], a Minor Child, and
[Parent(s) or Guardian(s)], the child's Parent(s) / Guardian(s)

Address

YOU ARE HEREBY NOTIFIED that a Petition for Order to Compel School Attendance (the "Petition") has been filed in the above-named Court by ----------School District (the "School District"). The Petition represents to the Court that you have failed to comply with "The School Attendance Law of 1963," C.R.S. § 22-33-101, et seq., as more fully described in the Petition. A true and correct copy of the Petition is attached to this Summons. The provisions of the Petition are incorporated into this Summons by this reference.

YOU ARE HEREBY NOTIFIED that a hearing on the Petition will be scheduled before the Court in Division __ of the _____ County District Court, at the _____ County Judicial Center, _____, _____, Colorado, (303) ____-_____. You are to appear on _____ ___, 2001 at _____ a.m./p.m. listed on the Notice of Hearing.

YOU ARE HEREBY NOTIFIED to make all necessary arrangements to ensure that the unemancipated minor, identified in the caption of this subpoena, is available before the court to testify or to appear in court and show good cause for the unemancipated minor's failure to appear. If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date: _____.

----------DISTRICT COURT

By:_____
Signature Line

Appendix 10 Petition for Order to Compel School Attendance

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s) Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
PETITION FOR ORDER TO COMPEL SCHOOL ATTENDANCE	

----------School District (the "School District") petitions this Court for an Order compelling respondents **[STUDENT]** and **[Parent(s) or Guardian(s)]** to comply with the School Attendance Law of 1963, C.R.S. § 22-33-101, et seq. (the "School Attendance Law"). As grounds for its petition, the School District states:

1. Petitioner is a school district created and existing under the laws of the State of Colorado, with offices located at _____,_____,Colorado.

2. Respondent **[STUDENT]** is a minor child who resides [ADDRESS] **Colorado**, within the territorial boundaries of the School District.

3. Respondent **[STUDENT]** was born on [BIRTHDATE]**.** **[STUDENT]** has attained the age of seven (7) years, and is under the age of sixteen (16) years.

4. Respondent(s) **[Parent(s) or Guardian(s)]** are the parent(s)/guardian(s) of **[STUDENT]**.

5. Respondent **[STUDENT]** has failed to attend public school in the School District, as required by the School Attendance Law. Respondent **[STUDENT]** has no lawful excuse for his/her non-attendance.

6. The School District, through its attendance officers, has fulfilled its duty to counsel with the respondents, and to investigate the cause of respondent **[STUDENT]**'s non-attendance at school. The School District's actions have not been successful in securing the respondents' compliance with the School Attendance Law.

7. The School District has given the respondents notice, in accordance with C.R.S. § 22-33-108(5), of the School Attendance Law's attendance requirements. A true and correct copy of the notice is attached, and is incorporated herein by this reference.

8. Despite the School District's notice, the respondents have continued to fail to comply with the requirements of the School Attendance Law. The respondents have no excuse for their failure.

WHEREFORE, the School District respectfully requests this Court to do the following:

A. Order respondent **[STUDENT]** to attend school as required by the School Attendance Law, or be held in contempt of this Court;

B. Order respondent(s) **[Parent(s) or Guardian(s)]** to insure the attendance of **[STUDENT]** at school as required by the School Attendance law, or be held in contempt of this Court;

C. Award the School District its costs and fees incurred in this matter; and

D. Award the School District such other relief, as the Court deems just and reasonable.

Date:_____.

----------SCHOOL DISTRICT

By: _____
Signature Line

Appendix 11 Order to Compel School Attendance

District Court ____ County, Colorado Court Address:	
_____**SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	Div.: Ctrm:
ORDER COMPELLING SCHOOL ATTENDANCE	

THIS MATTER having come before the Court pursuant to a Petition for Order to Compel School Attendance (the "Petition") filed by the petitioner; and

The parties having appeared before the Court in this matter on **[DATE]**; and

The respondents having been fully advised by the Court of the nature of this matter, the nature of the allegations set forth in the Petition, and the respondents' rights and obligation in connection with this matter; and

The respondents having informed the Court that they have reviewed and understand the provisions of the Petition; and

The respondents having admitted the allegations as set forth in the Petition; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties during their appearance on **[DATE]**; and

The Court having found:

1. That the respondents were properly served with a copy of the Petition; and

2. That the Court has jurisdiction over the subject matter as well as the parties to this action; and That the petitioner gave the respondents written notice, in accordance with C.R.S. § 22-33-105(8), of the requirements of C.R.S. § 22-33-104 regarding school attendance; and

3. That respondent [STUDENT] failed to attend school as required by statute; and

4. That respondent(s) [PARENT(S)] failed to insure the attendance of respondent [STUDENT] at school as required by statute; and

5. That the respondents are not exempt from the compulsory attendance requirements of C.R.S. § 11-33-104;

NOW, THEREFORE, the Court orders:

That respondent [STUDENT] will immediately comply with the requirements of C.R.S. §22-33-104, and will continue to comply with those requirements, by attending school at the petitioner school district, as assigned by the petitioner school district;

That respondent [STUDENT] will attend all of his/her classes at school in a significant fashion, meaning that he/she will take an active part in class activities; that he/she will perform all assigned work in a timely fashion; that he/she will make a good faith effort to pass all classes; and that he/she will follow all school rules and regulations, including reasonable directions from school personnel; and

That respondent [STUDENT] will not be disruptive in any manner while at school or on school grounds; and

That respondent(s) [PARENT(S)] will make all reasonable and good faith efforts, including complying with any reasonable requests from school officials, to insure that respondent [STUDENT] attends school regularly and on time; and

That only absences due to verified illness and/or injury will be considered excused; verification may be by a physician's note or a visit to the school nurse.

IT IS SO ORDERED.

Date: _____.

BY THE COURT

_____
Magistrate

Appendix 12 Affidavit of Return of Service

AFFIDAVIT OF RETURN OF SERVICE

STATE OF COLORADO)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is over the age of eighteen (18) years; that he/she is not a party to this action; and that he/she served copies of the attached _____, upon respondent **[PARENT/GUARDIAN]/[STUDENT]** as follows (describe date, place, and manner of service):

_____.

SUBSCRIBED AND SWORN TO Before me this _____ day of _____, 2001.

Notary Public

My Commission Expires:_____ _____

_____
Address

Appendix 13 Cover Sheet for Court Filing before the Judge/Magistrate

DATE

Clerk of Courts
_____ County District Court
Juvenile Division
_____ County Judicial Center
_____ Judicial Center Drive
_____, CO 80_____

Re: _____ County School District ## v. _____
_____ County School District ## v. _____

Dear Clerk:

Enclosed for filing are the original and one copy of a Notice of hearing before the Magistrate/Judge, Summons, and Petition for Order to Compel School Attendance for each of the truancy matters referenced above.

Once we have received the court dates, we will serve it, along with the other documents, upon the respondents.

If you have any questions, please do not hesitate to call.

Very truly yours,

_____ COUNTY SCHOOL DISTRICT ##

_____
Signature Line

Enclosure

Appendix 14 Notice of Hearing

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
NOTICE OF HEARING	

TO: [STUDENT] **and** [PARENT(S)]
[ADDRESS]

YOU ARE HEREBY NOTIFIED that the Court has scheduled a hearing in this matter for 1:30 p.m. on [DATE] in Division __, at the _____ County Judicial Center, ____ Judicial Center Drive, _____, Colorado, (303) _____. You are notified to appear at the hearing. If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date: _____.

_____ COUNTY SCHOOL DISTRICT ##

By:_____
Signature Line

Appendix 15 Motion for a Forthwith Hearing

District Court ____ County, Colorado Court Address:	
_____**SCHOOL DISTRICT,** Petitioner v. **STUDENT NAME**, a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S)**, the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	Div.: Ctrm:
MOTION FOR FORTHWITH HEARING	

COMES NOW, _____, Attorney for _____ County School District ##, to petition this honorable court for a forthwith hearing and as grounds therefore states;

1.

2.

WHEREFORE, the petitioner _____ County School District ## respectfully requests this Court to schedule a forthwith hearing.

Dated this _____ day of _____, 2001.

_____ COUNTY SCHOOL DISTRICT ##

By: _____
Signature Line

Appendix 16 Order for a Forthwith Hearing

District Court ____ County, Colorado Court Address:	
_____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	Div.: Ctrm:
ORDER FOR FORTHWITH HEARING	

THIS MATTER having come before the Court on petitioner's motion for a forthwith hearing; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that it is appropriate to bring the matter forward for judicial intervention.

NOW, THEREFORE, the Court orders that this matter be heard in a forthwith hearing on _____ ___, 2001.

IT IS SO ORDERED.
Dated this _____ day of _____, 2001.

BY THE COURT

_____
Magistrate/Judge

Appendix 17 Motion for a Contempt Citation

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
MOTION FOR CONTEMPT CITATION	

Petitioner ---------- School District (the "School District") moves this Court for an Order issuing Contempt Citations against respondent(s) **[STUDENT]** and **[PARENT(S)]**. As grounds for its motion, the School District states as follows:

1. On **(DATE)**, this Court entered an Order Compelling School Attendance directing respondent **[STUDENT]** to attend school at the School District in a meaningful fashion, to make a good faith effort to pass his/her classes, and to abide by School District rules and regulations. The Order further directed respondent(s) **[PARENT(S)]** to make all reasonable and good faith efforts to see that **[STUDENT]** attended school regularly and on time.

2. Respondents **[STUDENT]**and **[PARENT(S)]** have failed to comply with the Order Compelling School Attendance entered by this Court. Specifically, respondent **[STUDENT]** has failed to attend school in a meaningful fashion, and follow School District rules and regulations; Respondent(s) **[PARENT(S)]** has/have failed to make reasonable and

good faith efforts to see that **[STUDENT]** attends school regularly and on time. (See Affidavit of Attendance Officer, copy attached)

WHEREFORE, petitioner ---------- School District respectfully requests this Court to issue an Order requiring respondents **[STUDENT]** and **[PARENT(S)]** to appear before this Court to show cause why they should not be held in contempt of this Court, to vindicate the dignity of this Court, and to enter such further orders as the Court deems just and reasonable.

Dated this _____ day of _____, 2001.

---------- SCHOOL DISTRICT

By: _____
Signature Line

Appendix 18 Citation for Contempt

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
CITATION FOR CONTEMPT	

THE PEOPLE OF THE STATE OF COLORADO TO THE SHERIFF OF _____ COUNTY, THE SHERIFF OF ANY OTHER COUNTY IN THE STATE OF COLORADO, AND TO ANY PRIVATE PROCESS SERVER.

WHEREAS, a certain Order was entered of record in the above-named Court, whereby Respondent ---------- was ordered to attend school, and Respondent ---------- was ordered to make all reasonable and good faith efforts to see that Respondent ---------- attended school regularly and on time; and

WHEREAS, the petitioner has filed a motion for Contempt Citation, wherein the petitioner claims that one or more of the Respondents have failed to comply with the Court's Order Compelling School Attendance; and

WHEREAS, the Court has issued an Order for Contempt Citation directing the Respondents to appear and show cause, if any, as to why they should not be held in contempt of Court; and directing the Clerk of Courts to issue this Contempt Citation;

YOU ARE, THEREFORE, COMMANDED TO cite and give notice to the Respondent(s) ---------- and ---------- to appear in the above-named Court, Division __, on the __ day of _____, 2001, at _____ p.m.

WITNESS, _____, Clerk of the District Court, and the seal hereunto affixed at Adams County, State of Colorado, this _____ day of _____, 2001.

CLERK OF THE DISTRICT COURT

_____
Deputy Clerk

Appendix 19 Order for Contempt Citation

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER FOR CONTEMPT CITATION	

THIS MATTER coming to be heard by the Court and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Clerk of this Court issue a Citation for Contempt to the Respondents, _____, a minor, and _____, [Parent(s)/Guardian(s)] to be and appear before this Court on the __ day of __ 2001, at 1:30 p.m., to show cause if any, as to why they should not be punished for contempt, for refusal to comply with the Order of the Court referred to in the Motion for Contempt Citation incorporated herein by reference and why, to vindicate the dignity of the Court, a fine and/or imprisonment should not be imposed upon them:

IT IS FURTHER ORDERED that a copy of the Motion for Contempt citation, a copy of this Order and the Citation for Contempt referred to may be served upon Respondents by a civil process server,

DONE AND SIGNED this __ day of _____, 2001.

BY THE COURT:

_____

Magistrate/Judge

Appendix 20 Motion for Appointment of Attorney

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
MOTION FOR APPOINTMENT OF ATTORNEY	

COMES NOW, Petitioner _____ County School District ## (the "School District"), by its representatives moves this Court for an Order appointing an attorney to represent respondent **[STUDENT]** at the contempt hearing scheduled in this matter for 1:30 p.m. on _____, 2001, and as grounds therefore, states the following:

1. That the Court has requested such a motion be filed.
2. The grant of the motion will save the Court and all parties time and expenses as the hearing may be held in a timelier manner.

WHEREFORE, Petitioner prays for an Order appointing an attorney on behalf of the Respondent **[STUDENT]** minor child in the above referenced matter and for such other and further relief as the Court may deem proper.

Dated this _____ day of _____, 2001.

_____
Signature Line

Appendix 21 Order for Appointment of Attorney

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER FOR APPOINTMENT OF ATTORNEY	

THIS MATTER comes before the Court on motion for appointment of an attorney and the Court being advised:

IT IS HEREBY ORDERED THAT _____ is appointed attorney for the minor child.

ORDERED THIS ____ day of _____, 2001.

_____
Magistrate/Judge

Appendix 22 Motion for Appointment of Guardian ad Litem

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
MOTION FOR APPOINTMENT OF A GUARDIAN AD LITEM	

Petitioner ---------- School District (the "School District"), by its representatives moves this Court for an Order appointing a guardian ad litem to represent respondent **[STUDENT]** at the contempt hearing scheduled in this matter for 1:30 p.m. on _____, 2001. As grounds for its motion, the School District states that the Court requested the filing of such a motion; and granting the motion will save the Court and all parties time and expenses as the hearing may be held in a timelier manner.

WHEREFORE, ----------School District respectfully requests this Court to issue an Order appointing a guardian ad litem to represent respondent **[STUDENT]**.

Dated this _____ day of _____, 2001.

----------SCHOOL DISTRICT

By: _____
Signature Line

Appendix 23 Order for Appointment of Guardian ad Litem

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER FOR APPOINTMENT OF A GUARDIAN AD LITEM	

THIS MATTER having come before the Court pursuant to a Motion to Appoint a Guardian ad litem filed by the petitioner;

IT IS HEREBY ORDERED that _____ is appointed guardian ad litem for the Respondent **[STUDENT]**, a minor child.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

_____
Magistrate/ Judge

Appendix 24 Motion to Dismiss with Prejudice

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	

MOTION TO DISMISS WITH PREJUDICE

COMES NOW, _____ County School District ## (the School District) and moves this Court for an Order to Dismiss with Prejudice the above captioned truancy action. As grounds therefore, the School District states that:

1.

2.

Dated this ___ day of _____, 2001.

_____
Signature Line

Appendix 25 Order to Dismiss with Prejudice

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER TO DISMISS WITH PREJUDICE	

THIS MATTER having come before the Court on petitioner's motion to dismiss with prejudice; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that ……

NOW, THEREFORE, the Court orders that this matter be dismissed with prejudice.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

_____

Magistrate/Judge

Appendix 26 Motion to Dismiss without Prejudice

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
MOTION TO DISMISS WITHOUT PREJUDICE	

COMES NOW, _____ County School District ## (the School District) and moves this Court for an Order to Dismiss without Prejudice the above captioned truancy action. As grounds, therefore, the School District states that:

1.

2.

Dated this ___ day of _____, 2001.

_____
Signature Line

Appendix 27 Order to Dismiss without Prejudice

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER TO DISMISS WITHOUT PREJUDICE	

THIS MATTER having come before the Court on Petitioner's Motion to Dismiss Without Prejudice; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that ……

NOW, THEREFORE, the Court orders that this matter be dismissed without prejudice.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

_____

Magistrate/Judge

Appendix 28 Motion to Vindicate

District Court ____ County, Colorado Court Address:	
_____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	Div.: Ctrm:
MOTION TO VINDICATE	

COMES NOW, _____ School District ## (School District) and moves this Court for an Order to Vindicate the above captioned truancy action. As grounds therefore, the School District states that

1.

2.

Dated this __ day of _____, 2001.

By: _____
Signature Line

Appendix 29 Order to Vindicate

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
ORDER FOR VINDICATION	

THIS MATTER having come before the Court on petitioner's motion to vindicate; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that . . . . . .

NOW, THEREFORE, the Court orders that this matter be vindicated.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

_____
Magistrate/Judge

Appendix 30 Submission of Individual Education Plan Under Seal

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
SUBMISSION OF THE INDIVIDUAL EDUCATION PLAN (SPECIAL EDUCATION) UNDER COURT SEAL	

COMES NOW, _____ County School District ##, to hereby submit the attached Individual Education Plan (Special Education) for Respondent, (Name), Case Number _____, under Court Seal.

Date: _____

_____
Signature Line

Appendix 31 Submission of Student's Discipline File Under Seal

District Court ____ County, Colorado Court Address: _____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number: Div.: Ctrm:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	
SUBMISSION OF STUDENT'S DISCIPLINE FILE UNDER SEAL	

COMES NOW, _____ County School District ##, to hereby submit the attached Student's Discipline File for Respondent, (Name), Case Number _____, under Court Seal.

Date: _____

_____
Signature Line

Appendix 32 Notice of Transfer of School District Dominion

District Court ____ County, Colorado Court Address:	
_____ **SCHOOL DISTRICT**, Petitioner v. **STUDENT NAME,** a Minor Child, and **PARENT(S)/GUARDIAN(S) NAME(S),** the child's Parent(s)/Guardian(s), Respondent	▲ COURT USE ONLY ▲ Case Number:
Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	Div.: Ctrm:
NOTICE OF TRANSFER OF SCHOOL DISTRICT DOMINION	

COMES NOW, _____ County School District ##, to give notice to this honorable court of a transfer of school district dominion of the above captioned truancy action from _____ County School District ## to _____ County School District ##.

1. (Name) resided in ____ School District ## from (Date) to (Date).
2. (Name) withdrew and transferred to _____ School District ## on (Date).
3. There is currently a truancy action in the __ Judicial District in which (Name) is a respondent, Case No. _____.
4. It is appropriate and proper for this matter to be transferred and continued in _____ School District ##.

Dated this ____ day of _____, 2001.

_____
Signature Line

Appendix C

TRUANCY PROTOCOL

JULY, 2007

One of the primary goals with respect to truancy actions is to provide to the school districts and Respondent parents and students an opportunity to resolve the issues regarding the student's attendance in an effective and prompt matter so that each student is receiving an education as required by statute. The Court is attempting to address the problems affecting the child's school attendance and ensure the child has an opportunity to obtain a quality education by the entry of any appropriate orders that may achieve that goal.

The purpose of this protocol is to establish procedures for the parties when judicial proceedings are necessary.

INTRODUCTION

There is a procedure that is outlined by statute at C.R.S. 22-33-101 et.seq. with respect to truancy matters. The School Attendance Law requires that each child between the ages of 7 and 17 shall attend public school unless otherwise excused. It is the obligation of every parent to ensure that every child under the parent's care and supervision between the ages of 7 and 17 be in compliance with this statute See C.R.S. 22-33-104 (All case law is available online through the State of Colorado website.)

Each school board is required to adopt a written policy setting attendance policies and is required to set out what will be considered excused absences. Each board must determine in this attendance policy the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to C.R.S. 22-33-108 and C.R.S. 22-33-107.1. Further, the district is obligated to create a plan with respect to children who are habitually truant. (A child is habitually truant if the child between the ages of 7 and 17 years is unexcused for more than 4 days in a single month or 10 days in any school year. C.R.S. 22-33-107).

INITIAL JUDICIAL PROCEEDINGS
PETITION TO COMPEL ATTENDANCE

A. Once a school district has determined that in compliance with the statutes, it is necessary to start judicial proceedings, the district must comply with the preliminary requirements before a petition to compel attendance is filed.

1. The district must at the request of the attendance officer initiate proceedings to enforce the compulsory attendance provisions of the statute.

2. Court proceedings may be initiated only after the parent and the child have been given written notice by the attendance officer of the school district that proceedings will be initiated if the child does not comply with the provisions of the statute. This notice MAY be combined with the summons and the petition but it is preferred that the notice be issued before the summons and petition. (Sample letter attached)

3. The notice must state the provisions of the statute with which compliance is required and must state that the proceedings will not be brought if the child complies with the provision before the filing of the petition. It is preferred that a deadline be established for compliance and that the deadline be prior to the date for hearing on the petition to compel attendance.

4. A copy of this notice along with proof that it was properly served on the child and parents must accompany the petition to compel attendance.

B. The Petition to Compel Attendance must be served with a summons establishing a date for the parties to appear in court.

1. The Petition must set out that the child is subject to the school attendance laws; has failed to attend school as required by the statute; that the notice to the parents and child has been given; and that the child and/or parents have failed to insure that the child is in attendance. (See sample attached.)
2. The summons to appear must be served so that the Respondents have at least 5 days notice before an appearance is required.
3. The dates for appearance will be assigned to each district according to the district size and need for court dates. A master calendar will be available for each district to use for settings. A case number will be assigned to each case. It is preferred that larger districts obtain case numbers before the petitions are filed by email communication with the clerk. Smaller districts may file the petitions and the clerk will return the petitions with case numbers if a stamped self addressed envelope is provided. In no event is the district to require that the clerk complete and return the paperwork while someone waits.
4. Proof of service of the petition must be provided to the court before any orders will enter regardless of whether the parties appear.
5. The Court requires that a report with respect to the juvenile's attendance be prepared and presented to the court at every hearing.
6. At the hearing, the Court expects that each party will be advised of their rights prior to the hearing. An advisement form will be provided by the Court or may be provided by the district at the district's discretion. (See sample attached.) It must advise the parties of their right to have counsel, their right to have a hearing on the petition, and any possible penalties that may enter including jail and/or detention. Spanish language advisements should be anticipated. (Sample attached.)
7. If the parties deny that the petition should enter, a hearing will be set at a later date. The burden of proof is on the district to provide the necessary evidence by a preponderance (more likely than not).
8. The districts are welcome to prepare a stipulation to be signed by all parties with respect to an order to compel attendance. If there is going to be an agreement, the court prefers that the agreement be in writing and signed by all parties before the hearing begins.
9. If after hearing or upon an admission, the Court, in its discretion, may enter an order against the child or the child's parent or both compelling that the child attend school as provided by statute or compelling the parent to take reasonable steps to assure the child's attendance. The court may require the child or parent or both to follow an appropriate treatment plan to achieve the goals of the statute.

10. The Court requires that a proposed order compelling attendance be available for preparation and service on any parties at any time the court enters an order compelling attendance. It is the responsibility of the Petitioner school district to have that available for the court at the time of hearing. (See sample attached.)
11. Each school district is invited to establish treatment plans for the court's consideration. There are some resources available countywide that districts may wish to use, e.g., Juvenile Assessment Center, District Attorney Truancy Diversion program. This request should be made of the court after it is determined that an order should enter. (Descriptions attached)
12. Upon entry of an order compelling attendance, the Court will close the matter and give leave to the Petitioner to file a contempt citation, if necessary.

ENFORCEMENT PROCEEDINGS
CONTEMPT CITATIONS

This court understands that the statute provides for a review process but it is not the best use of the resources available to the court to review the matters. Most students and parents only need one opportunity to comply with the statue. For the others, this district has determined that if the Respondents have failed and/or refused to comply with the order of the court compelling attendance, enforcement will be by a contempt citation. A district may appear without an attorney but it must be one person designated to attend to the contempt citation.

1. If the Court has entered an order compelling attendance and the student is not in attendance as required, the Petitioner may file a contempt citation.
2. A contempt citation may be filed against any party that was subject to the order compelling attendance. It cannot be filed against a subsequent custodian who may not have been aware of the citation.
3. A contempt citation requires strict compliance with procedural rules set out in C.R.Civil Procedure 107. The Court may impose either punitive or remedial sanctions. Sanctions may include detention for the student or jail for the parent or any other appropriate action for the purpose of either punishment or to obtain compliance or obedience to a lawful order of the court.
4. The Petitioner must prepare for the court a motion and affidavit as well as a citation and order. The pleadings must conform with the law with regard to notice and advisement of rights. (See sample attached.)
5. The proper pleadings must be submitted to the court for ruling by the court as to whether a citation will issue.
6. If the court allows a citation to issue, the citation will be returned to the Petitioner with the date for hearing.
7. It is the Petitioner's responsibility to obtain proper service of the pleadings. There must be service on each party and it must be at least 20 days before the party is expected to appear in court.
8. The court requests that returns of service be filed at the time of the date set for hearing.
9. If the Petitioner desires to cancel the citation, it must be with permission of the court and in writing. If that is not obtained, then the parties must appear. The

Petitioner cannot excuse the Respondents appearance without the permission of the Court.

10. At the initial appearance, the court will advise the respondents of their rights. The Court will expect that the Respondents will enter a plea at the initial advisement.
11. If the plea is not guilty, the court will set the matter for hearing. The court will require that the citation be established with evidence beyond a reasonable doubt at a hearing at a later date.
12. If the party is determined to be guilty either after hearing or by plea, the parties should expect to proceed to sentencing and be prepared to make argument with regard to sentence. The Court requires that a Valid Written Report (form attached) be prepared for every hearing where any type of enforcement may occur and presented to the court. See C.R. Juvenile Procedure 3.8 (attached)
13. Upon sentencing the court will expect that an order be available for the court's signature. There are very strict requirements for the contents of such an order. The Valid Court Order (VCO) and a written report will be required at every hearing regarding the student and parent. (Sample attached.)
14. If the court sentences the juvenile to secure detention, there is a requirement for an order for detention that is separate from any other orders. The Secure Placement as Disposition Order (SPDO) must be available to the court within 5 business days from the date of the hearing.
15. The court will review any sentences for compliance with the orders of the court upon a periodic basis. It is customary for the court to issue a stay on a sentence to determine if the parties are able to come into compliance with the court orders. Treatment plans are ordered as well.

Rebecca A. Koppes Conway
District Court Magistrate
July, 2007

ATTACHMENTS

INDEX SAMPLES

1. Notice Letter to Student/Parent prior to Petition
2. Petition to Compel Attendance
3. Summons and Notice with respect to Petition to Compel Attendance
4. ADVISEMENT OF RIGHTS IN A TRUANCY PROCEEDING Dist. 6 Sample
5. Order Compelling Attendance (VCO)
6. STIPULATION Dist. 6 Sample
7. VALID COURT ORDER APPROVING STIPULATION Dist. 6 Sample
8. Rule 3.8 C.R.Juvenile Procedure
9. Valid Written Report
10. Truancy Diversion program description
11. Verified Motion for Contempt Citation, Order for hearing
12. Order with respect to Contempt Citation
13. Secure Placement as Disposition Order

SAMPLE LETTER

DATE

ADDRESSEE

RE: Student name and date of birth

Dear _____:

This letter is to inform you that School District _____ is obligated to begin legal action against you and your child,_____, to compel attendance at school if you do not obey Colorado compulsory attendance laws. You are advised that Colorado Revised Statute 22-33-104 requires that every child between the ages of 7 and 17,unless excused, shall attend public schools for at least 172 days each school year. The statute also requires that every parent of a child between the ages of 7 and 17 shall ensure that their children attend school.

Under State of Colorado law and the School District's policy, a child who has four (4) or more unexcused absences in any month or ten (10) or more unexcused absences during the school year is considered "habitually truant." By reviewing the attendance data attached to this letter, you will see that your child is currently considered habitually truant by state law.

[Any other information the district wishes to include with regard to management of the matter should be included here.]

If you wish to discuss this matter further, please contact _____ at _____ immediately upon receipt of this letter.

Sincerely,

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632 (970)351-7300	
SCHOOL DISTRICT _____ IN THE INTEREST OF: Respondent Student And Concerning Respondent.	▲ Case Number: Division: 2

PETITION TO COMPEL ATTENDANCE

THE PETITIONER, _____, County of Weld, State of Colorado, through its duly designated Attendance Officer and _____ states as follows in support of this Petition:

1. _____, Respondent Child is a male/female child who resides with _____ at _____ within the boundaries of School District _____, County of _____, State of Colorado ("Petitioner").

2. Petitioner is a political subdivision authorized to bring judicial proceedings to enforce the compulsory attendance provisions of C.R.S. 22-33-101 et.seq.

3. This Court has jurisdiction pursuant to C.R.S. 22-33-108.

4. Venue is proper in Weld County pursuant to C.R.S. 22-33-108(1.5) as the Respondent Child resides or is present therein.

5. The date of birth of the student is _____ and has attained the age of seven years and is under the age of seventeen years.

6. Respondent Student is not otherwise exempt from attending the public school facilities of the School District.

7. Despite being subject to compulsory school attendance laws., the Respondent Child has failed to regularly attend school, having four unexcused absences from public school in one month or ten unexcused absences from the public school during any school year.

8. Pursuant to C.R.S. 22-33-108(5), Respondent Student and Respondent Parent have been given written notice by the Attendance Officer of the School District or the State that proceedings will be initiated if the Respondent Student does not comply with the provisions of the

compulsory school attendance laws. A copy of such written notice is attached hereto as Exhibit A.

9. Despite proper notice, Respondent student has failed to regularly attend school.

Therefore, Petitioner requests that:

The Respondents be required to appear before this Court on a day and time certain to show cause why an Order should not be entered compelling the Respondent Student to attend school, as provided by the provisions of Article, 33, Title 22, Colorado Revised Statutes of 1973, as amended.

An interpreter is (not) necessary for this hearing.

Further, a copy of this Petition, together with appropriate Notice be served on Respondents.

Date:

_____
Name and Title

Address of Petitioner or counsel for Petitioner:

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____ _____
Notary Public/Deputy Clerk

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632 (970)351-7300	
SCHOOL DISTRICT _____ IN THE INTEREST OF: Respondent Student And Concerning Respondent.	▲ Case Number: Division: 2
NOTICE RE PETITION TO COMPEL ATTENDANCE	

TO: Respondents

You are required to appear before this Court on _____ at _____ m. in Division_____, Weld County Courthouse, 901 Ninth Avenue, Greeley CO 80631 to show why _____(student) should not be compelled to attend the public school facilities of School District _____ of the County of Weld, State of Colorado.

EACH RESPONDENT NAMED IN THIS ACTION MUST APPEAR AT THE DATE AND TIME SPECIFIED ABOVE INCLUDING THE RESPONDENT STUDENT UNLESS EXCUSED SPECIFICALLY BY THE COURT.

You are advised of the following rights with respect to this matter:

1. You have the right to admit or deny the allegations in the Petition to Compel;
2. You are presumed to be innocent of the allegations and charges levied against you in the Petition;
3. You have the right to require proof by the person bringing the charges alleged in the Petition beyond a reasonable doubt;
4. You have the right to present evidence and witnesses to challenge the Petition;
5. You have the right to cross examine all adverse witnesses;
6. You have the right to have subpoenas issued to compel attendance of witnesses oat a hearing on the Petition;
7. You have the right to remain silent as any statements may be used against you
8. You have the right to testify at a hearing on the Petition which would result in your waiving your right to silence;
9. You have the right to appeal any adverse decision;
10. If you do not wish to have the matter heard by a magistrate, you may request a district court judge;
11. You have the right to speak at sentencing if a conviction is entered against you.

If you admit to the allegations in the Petition, the Court could enter an order compelling the Respondent student to attend school and for the Respondent parent/guardian to take reasonable

steps to ensure such attendance. Once such an Order is in place, the court may impose a fine or imprisonment or both if the expressly finds:

A. that the Respondent was subject to an Order;
B. the Respondent had the ability to obey the Order;
C. The Respondent willfully failed or refused to obey the order
D. The Respondents conduct was offensive to the authority and dignity of the Court.

Date:

_____
Name and Title

Address of Petitioner or counsel for Petitioner:

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____ _____
Notary Public/Deputy Clerk

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 Ninth Avenue, Greeley, CO 80631 Phone Number: 970-351-7300	
Petitioner: SCHOOL DISTRICT NO. 6, COUNTY OF WELD, STATE OF COLORADO Respondents: _____, Child, and _____, Parent(s)	COURT USE ONLY
Attorney or Party Without Attorney: Keynen Jae Wall, No. 033720 WITWER, OLDENBURG, BARRY & JOHNSON, LLP 822-7th Street, Suite 760 Greeley, CO 80631 Phone Number: 970-352-3161 Fax Number: 970-352-3165 E-mail: KJWALL@WOBJLAW.COM	Case Number 07 JV _____ Div.: 2

ADVISEMENT OF RIGHTS IN A TRUANCY PROCEEDING

The Respondent Child is hereby advised that s/he has the following rights:

A. You have the right to admit or deny the allegations in the Petition to Compel Attendance (the "Petition");
B. You are presumed to be innocent of the allegations and charges levied against you in the Petition;
C. You have the right to require proof by the person bringing the charge alleged in the Petition beyond a reasonable doubt;
D. You have the right to present evidence and witnesses to challenge the Petition;
E. You have the right to cross examine all adverse witnesses;
F. You have the right to have subpoenas issued to compel attendance of witnesses at a hearing on the Petition;
G. You have the right to remain silent as any statements may be used against you;
H. You have the right to testify at a hearing on the Petition which would result in your waiving your right to silence;
I. You have the right to appeal any adverse decision;
J. You have the right to speak at sentencing if a conviction is entered against you.

If you admit to the allegations in the Petition, the Court could enter an order compelling the Respondent student to attend school and for the Respondent parent(s) or Guardian(s) to take reasonable steps to ensure such attendance. Once such an Order is in place, the court may impose a fine or imprisonment or both if the court expressly finds:

A. that the Respondent(s) was subject to an order;
B. the Respondent(s) had the ability (in the past) to obey the order;
C the Respondent(s) willfully failed or refused to obey the order; and
D the Respondent(s') conduct was offensive to the authority and dignity of the court.

TODAY YOU MUST DO ONE OF THE FOLLOWING THINGS:

- Speak with the attorney for Weld County School District 6;
- Set the case for a hearing on the Petition; or
- Enter a plea

PLEASE CIRCLE “YES” OR “NO” TO THE FOLLOWING QUESTIONS:

Do you understand your rights as explained above? Yes No

Do you understand these questions? Yes No

If not, what don’t you understand?

_____

_____

Respondent’s Current Address:

_____

Respondent’s Home Phone #:

_____

Respondent’s Student Signature:

_____

Parent/Guardian/Legal Custodian’s Signature:

_____

_____

Date

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 Ninth Avenue, Greeley, CO 80631 Phone Number: 970-351-7300 Petitioner: SCHOOL DISTRICT NO. 6, COUNTY OF WELD, STATE OF COLORADO Respondents: _____, Child, _____, Parent Attorney or Party Without Attorney: Keynen Jae Wall, No. 033720 WITWER, OLDENBURG, BARRY & JOHNSON, LLP 822-7th Street, Suite 760, Greeley, CO 80631 Phone No: 970-352-3161, Fax No: 970-352-3165 E-mail: KJWALL@WOBJLAW.COM	COURT USE ONLY Case Number:07 JV Div.: 2

STIPULATION

COME NOW the parties and submit the following Stipulation for the Court's review and approval:

1. Petitioner has filed the pending action to compel the attendance of the Respondent Student.

2. Respondents admit that the above named child is not exempt from attending the public school facilities of Petitioner and has at least four (4) unexcused absences in a single month or ten (10) unexcused absences in a single school year.

3. Respondents submit to the jurisdiction of the court and to the entry of all Valid Court Orders necessary to effectuate and accomplish the provisions of this Stipulation.

4. Respondent Student agrees to regularly attend school in Weld County School District No. 6. Respondent Student agrees to attend all classes on time for every scheduled period. Respondent Parents/Guardians agree to use all reasonable efforts and to take all necessary measures to assure that said child attends school on time every day. No absence will be excused on the grounds of illness unless the Respondent produces a doctor's note or is seen by the School Nurse.

5. Respondents further agree to cooperate with Weld County School District No. 6, including all truancy liaisons, in creating and participating with all recommendations and programs offered to improve the attendance of the Respondent Student. This includes undertaking and cooperating with the following:

a. Arrange for tutoring to assist with academic needs through the School District.
b. Meet with the Attendance Liaison when requested to do so;
c. Obtain, complete and turn in homework assignments and to provide progress reports when requested by the Attendance Liaison and/or Truancy Case Manager;
d. Agree to attend all scheduled appointments with another agency or organization if the Student or Parent/Guardian is referred to such agency or organization for assistance.

6. Respondents further agree to participate with the Weld County District Attorneys' Office, Truancy Diversion Program. To this end, the **RESPONDENTS AGREE TO CONTACT KIM KINNE, DIRECTOR OF THE WELD COUNTY DISTRICT ATTORNEY'S TRUANCY DIVERSION PROGRAM, 910 10TH AVENUE, GREELEY, COLORADO, PHONE NUMBER (970) 356-4010, EXT. 4775, WITHIN TWO DAYS FROM EXECUTION OF THIS STIPULATION,** and to cooperate with all referrals, programs and recommendations made by the Director or her staff.

7. If the Respondents have failed to comply with any term of the Stipulation, Petitioner will pursue an action for citation for contempt of court against Respondents. In such an action, the Petitioner reserves the right to pursue all possible sentencing options, including detention, out-of-home placement, and community service.

8. The parties acknowledge that they sign this Stipulation voluntarily, knowingly, and without threat of coercion or intimidation and that they have had full opportunity to inquire as to the meaning and effect of any and all provisions hereof and that they represent and state that they understand all provisions hereof in full.

Dated this _____ day of _____, 2007.

_____
Keynen Jae Wall, Jr.

_____
, Child

_____
, Parent

_____
, Parent

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 Ninth Avenue, Greeley, CO 80631 Phone Number: 970-351-7300	COURT USE ONLY
Petitioner: SCHOOL DISTRICT NO. 6, COUNTY OF WELD, STATE OF COLORADO Respondents:_____Child, _____, Parent	Case Number 07 JV Div.: 2

VALID COURT ORDER APPROVING STIPULATION

UPON review of the Stipulation of the Parties and the Court being fully advised in the premises, hereby approves the Stipulation.

IT IS THEREFORE ORDERED that:

1. The terms, conditions and obligations set forth under the Stipulation are approved and are now an order of this Court;

2. Respondent Student is to comply with the provisions of C.R.S., Section 22-33-104, as amended, and to regularly attend school in Weld County School District No. 6. Such attendance shall be on time every day for every period. Respondent Parents/Guardians agree to use all reasonable efforts and to take all necessary measures to assure that said child attends school on time every day.

3. This matter is closed and the Petitioner is granted leave to file a Motion for Citation for Contempt of Court.

☐ Respondents were personally served with this Order in open Court.

☐ Respondents to be served with this Order pursuant to C.R.C.P. 5.

Entered this _____ day of _____, 2007.

BY THE COURT

_____
Magistrate Judge

SAMPLE ORDER COMPELLING ATTENDANCE

Weld County, District Court 901 9th Avenue Greeley, Colorado 80631 (970)351-7300	
Petitioner, v. a Minor, and , Parents, Respondents.	Court Use Only
	Case No. Division 2 Courtroom
ORDER COMPELLING ATTENDANCE	

THIS MATTER coming before the Court for An initial hearing on_____, the School District being represented by and Respondents being present/absent; and

_____ the child being represented by _____;
_____ the child not being represented by counsel;

Also present: _____ from the School District

THE COURT FINDS THE FOLLOWING:

1. Respondent student _____is a child over 7 years of age and under 17 years of age who resides with her parents at_____, which addresses are within the _____School District No. _____

2. That said child having achieved the age of seven years and being under the age of 17 years, is required to attend school pursuant to the Colorado school Attendance Law of 1963, § 22-33-101, et. seq., C.R.S. (2007).

3. That said Respondents appeared in Court and admitted the allegations of the Petition. That said Respondents failed to appear in court and are in default.

4. That said child has without reasonable cause or justification failed and continues to fail and refuses to attend school as required by the Colorado School Attendance Law of 1963.

5. That a notice, as required by statute, was served upon all Respondents on _____.

6. That it appears to the Court that unless ordered to do so, said child will continue to fail and refuse to comply with the Colorado School Attendance Law of 1963.

NOW, THEREFORE, IT IS ORDERED that the Respondent student _____ shall attend the school of her attendance area, or such other school as said child may be assigned, within the _____School District No. _____ until said child attains the age of 176 years; and said child

shall only be excused from school with a court order or doctor note or excused by the school nurse; and shall attend each and every day school is in session; comply with the rules of school and participate with acceptable behavior; cooperate with any programs that the court may order, including:

_____

_____

IT IS FURTHER ORDERED that Respondent parent/guardian is/are ordered to ensure that the student complies with the order of the court in all respects and comply with the following:

_____

IT IS FURTHER ORDERED that the matter shall be closed. Petitioner is given leave to file petitions for contempt of court if necessary.

Copies served on all parties in open court/ pursuant to C.R.C.P.5. Any returns necessary must be provided within 10 days of this date.

Dated:

_____

Rebecca A. Koppes Conway

District Court Magistrate

Rule 3.8. Status Offenders

Juveniles alleged to have committed offenses which would not be a crime if committed by an adult (i.e., status offenses), shall not be detained for more than 24 hours excluding non-judicial days unless there has been a detention hearing and judicial determination that there is probable cause to believe the **juvenile** has violated a valid court order. A **juvenile** in detention alleged to be a status offender and in violation of a valid court order shall be adjudicated within 72 hours exclusive of non-judicial days of the time detained. A **juvenile** adjudicated of being a status offender in violation of a valid court order may not be disposed to a secure detention or correctional placement unless the court has first reviewed a written report prepared by a public agency which is not a court or law enforcement agency. The report shall address the juvenile's behavior and the circumstances which brought the **juvenile** before the court and shall assess whether all less restrictive dispositions have been exhausted or are clearly inappropriate. The court is not bound by the recommendations contained in the report. Nothing herein shall prohibit the court from ordering the placement of juveniles in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this **rule**. Juveniles alleged to have violated C.R.S. 18-12-108.5 or adjudicated delinquent for having violated C.R.S. 18-12-108.5 are exempt from the provisions of this **rule**.

COMMITTEE COMMENT

The reference to "valid court orders" is taken from the federal **Juvenile** Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, which is found at 42 U.S.C.A. 5601-5751. The Office of **Juvenile** Justice and Delinquency
Prevention in April, 1995, issued final regulations to implement that portion of the of the JJDPA, as amended in 1992,
which addresses the detention and secure confinement of status offenders. These regulations, which are found at 28 C.F.R. 31.303 (f)(3) set forth the legal requirements for issuing of "valid court orders," the violation of which by a status
offender may, in certain circumstances, authorize **juvenile** courts to detain and/or commit such youth to secure confinement. The appendix to these rules contains a form for issuing a valid court order and a form order for making a
secure placement disposition for violation of a valid court order.

The Committee's intent in drafting this **rule** is not to encourage more frequent use of detention for status offenders. The Committee recognizes that Congress and the OJJDP assumed that courts would exhibit self-restraint and exercise
the valid court order exclusion only in cases of status offenders who chronically fail to follow court orders. The Colorado
supreme court in In the Interest of J.E.S., 817 P.2d 508 (Colo. 1991) quoted from In Re Ronald S., 9 Cal. App. 3D 866,
138 Cal. Rptr. 387 (1977) to comment on the use of secure confinement for status offenders.

Certainly not all [status offenders] need to be placed in secure facilities. However, some do and in these cases the **juvenile** court judge must have the authority to detain in a secure facility--if status offenders are to remain in the **juvenile**
court. 69 Cal. App. 3d at 875, 138 Cal. Rptr. at 393.

Ohio Representative Ashbrook, who sponsored the valid court order amendment, stated that without the amendment courts would be limited in their ability to work with youths who continually flout the will of the court and that it would make
"helping that young person much more difficult." (126 Cong. Rec. H. 10 10932). Ashbrook contemplated that the valid
court order exception would primarily be used to provide treatment rather than punishment.

The Committee recommends that the Courts adopt this benevolent approach and use the valid court order exception to ensure that secure placements are used only for recalcitrant status offenders.

Runaways who are in violation of their probation do no fall under this **rule**.

Source: Entire **rule** and committee comment added and adopted June 12, 1997, effective January 1, 1998; committee comment corrected November 19, 1997; committee comment amended and adopted December 14, 2000, effective January 1, 2001.FORMS

Valid Court Order Written Report

Per the Office of Juvenile Justice and Delinquency Prevention Consolidated Federal Regulation (28CFR Part 31) and the Colorado Judicial Procedure Rule Change #1997 (17) CRJP 3.8 Status Offenders.
Chapter 28 Colorado Rules of Juvenile Procedure. Part Three. Delinquency.

The Judge should be able to review this report before the Violation Hearing.
Please be as complete and concise as possible for the Judge's benefit.

_____ _____
Case Number Juvenile Name
Date This Report Prepared _____

_____ _____
Report Prepared By Title and Agency

In entering any order that directs or authorizes the placement of a status offender in a secure facility the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a Valid Court Order and applicable due process rights were afforded the juvenile and in the case of a violation hearing the judge must obtain and review a written report that:

III. Reviews the behavior of the juvenile and the circumstances under which the juvenile was brought before the court and made subject to such an order; (Describe the behavior(s) of the juvenile and why the case was referred to the court. Please be as specific as possible. Attach additional pages as needed).

IV. Determines the reasons for the juvenile's behavior; (Please be as specific as possible. Describe who you have interviewed to determine the reasons, what tests/assessments have been conducted, what the juvenile has said, what teachers/agencies have stated. Attach additional pages as needed).

V. Determines whether all dispositions, other than secure confinement, have been exhausted or are clearly inappropriate. (Please list ALL alternatives that have been tried and failed and list all alternatives that have not been tried but are clearly inappropriate).

_____
_____
_____
_____
_____
_____
_____
_____
_____

It is my assessment that it is in the best interest of the minor child and the community that this child should serve a period of detention due to the child's actions in Contempt of this Court, and that are no less restrictive alternative placements appropriate to the needs of the minor child.

Recommended this _____ of _____, _____
Date Month Year

_____ _____
Signature Printed Name

Truancy Diversion Program Specifics:

The youth's involvement with the Truancy Diversion Program will be reviewed every 90 days. The juvenile will have this time to complete the initial assigned tasks and should their attendance dramatically improve, move on from this experience in a positive manner. An extension of this deadline will be granted on a case-by-case basis depending on the circumstances and compliance with the agreement to date. If the juvenile completes the tasks prior to the deadline, the case will be monitored for continued attendance compliance. Should the truancy diversion participant fail to complete the agreement, the case will be returned to the School District's Attorney for prosecution.

Standard sanctions or tasks that will be assigned by the Director or Case Manager to address the truancy behavior include:

- The juvenile must answer truthfully all inquires by the Case Manager.
- The juvenile must promptly report any police contact or change in residence and phone number immediately.
- The juvenile must follow the rules of the home.
- The juvenile must attend school regularly, unless there is a VERIFIABLE excuse, and follow the rules and policies of the School District; which includes obtaining and maintaining passing grades. If not enrolled, in school, the juvenile will be required to participate in educational programming to obtain a GED.
- The juvenile, if over the age of 16, shall be employed part-time with a verifiable employer. If not enrolled in school, the juvenile will be required to work full-time.

Additional sanctions or tasks that may be assigned by the Director or Case Manager:

- Useful community service: No more than 50 hours will be initially assigned. Hours are to be done without interference with educational programming. The location or program may be designated by the Case Manager. Hours may increase or decrease based on school attendance.
- Referral to a community agency for services at the expense of the juvenile or parent/legal guardian: substance abuse testing and/or treatment, mental health treatment, job service, Partners, Department of Social Services, etc.
- Educational programming provided by the Diversion Program.
- Payment of program fees.
- Completion of an essay regarding a future ambition.
- Completion of any other program or project that may enhance a juvenile's strength or talent.
- Research paper regarding college entrance exams, requirements, funding sources, and how a criminal record/failure to graduate affects same.
- Essay addressing what Community means to them.
- Research paper regarding job opportunities for those with or without a high school diploma, if a college degree makes a difference. Juvenile will include a budget with the income potential of each and expenses associated with same.
- Imposition of a curfew. Possibly including electronic home monitoring at the expense of the parents or legal guardians.
- Require attendance for tutoring or after school study.
- Require parents to attend school with their children or attend parenting classes.
- Participation in extra-curricular activities at school.
- Any other sanction that can be individualized for the juvenile that would promote a positive project and encourage continued success.

Diversion Option

To be eligible for the Diversion Option, you must accept responsibility for your behavior and actions regarding the non-compliance with the School Attendance Laws.

The Diversion Case Manager may impose one or more of the following sanctions based on your behavior:

Pay $100 for your participation in the program.
Complete useful community service hours.
Attend Saturday morning education classes as scheduled.
Attend school or educational programming as appropriate, which will include passing grades, daily attendance, and compliance with the rules/regulations.
Interview and/or shadow a community member of interest.
Be employed part-time if over the age of 16 and attending school. If over the age of 16 and not attending school, you will need to be employed at a minimum of 40 hours a week.
Participate in substance abuse and/or mental health counseling and substance abuse testing when instructed. You will be responsible for the payment of these services.
And any other sanction/consequence that may be appropriate to address your behavior.

You will be required to complete all of the sanctions within 90 days of the Agreement, which may be extended based upon your compliance with the agreement.

As Parents/Guardians/Custodians, you will also be expected to provide or arrange transportation for your son/daughter to enable them to complete the Diversion Agreement. In addition, we strongly encourage you to attend the Saturday morning classes with your son/daughter.

Court Option

If you decline to participate in the Diversion Program or you fail to complete the Diversion Agreement, your case will be forwarded to the School District's Attorney for the filing of a petition to compel your son/daughter's attendance. The Magistrate Judge can sentence you to one or more of the following:

Serve a sentence in Detention or Jail for up to 45 days.
Pay court costs, fines, and fees. (At a maximum you can expect to pay $25 a day for every day your son/daughter does not attend school)
Complete community service hours.
Attend school or other educational programming as appropriate.
Attend counseling. Participate in drug testing. Both of which will be at your expense.
And any other consequences that the Court deems appropriate.

As Parents/Guardians/Custodians, you will need to provide transportation to and attend all Court hearings. You would need to provide or arrange transportation to all appointments as referred to enable your son/daughter's compliance with the Court's order. In addition, you could be sentenced to jail for up to 180 days and/or fined up to $25 a day for every day your son/daughter is not attending school.

Advisement

Name of Juvenile: _____
Case Number: _____

Charge(s): _____

While participating in the Nineteenth Judicial District Attorney's Diversion Program you retain certain rights, such as the right to an attorney and to have your case heard before a Magistrate or Judge. The Juvenile Diversion Program is strictly voluntary, you are not required to participate in the program or comply with the Agreement However, should you choose to participate in the program, the School District's Attorney has agreed to delay the filing of a petition compelling your attendance at school pending your compliance with the Diversion Agreement. If you complete the Agreement, your case will be dismissed without the filing of the petition. If you choose not to participate or fail to comply with the Agreement, your case could be filed with the Court and the Attorney may proceed with the filing of a petition compelling your attendance.

While in the program, any statements made or admissions by you regarding attendance issues may be held against you should your case be presented to the Court. Upon your successful completion of the program, your file will destroyed after two years and you have turned 18, unless funding sources require longer retention. If you fail to complete the program due to your continued truancy, criminal charges, or failing to fulfill the Agreement, the

Attorney will forward your Agreement to the Court and the reasons for the referral to the Magistrate for consideration at your hearing.

Do you wish to consult with an attorney at this time? _____
Do you understand that you are making a free and voluntary decision? _____
Do you understand that while you are in the program, if you continue to be truant, are charged with any criminal offenses, or fail to comply with the agreement, you could go to Truancy Court for this referral, the new offense in Delinquency Court, or both? _____
Do you understand that you will be expected to be honest and cooperative and also abide by an agreement you make with the Diversion Case Manager? _____
Do you want to take this referral to Court? _____

We understand the Truancy Diversion Program offered by the District Attorney's Office for the Nineteenth Judicial District. We wish to participate in the program and we, as the legal guardians, will support our son/daughter's participation in the program.

_____
Juvenile Date

_____
Parent/Guardian/Custodian Date

_____
Diversion Director/Case Manager Date

Truancy Diversion Program Participation Agreement

The District Attorney's Office has received a report from the School District (_____), concerning your son/daughter's failure to attend school in which they are enrolled. As a result, your child is being considered for the filing of a petition to compel their attendance.

The violation(s) could be filed in Weld County Juvenile Court; however, after reviewing the referral and the circumstances, the District Attorney's Office has decided to give your child the opportunity to be considered for the Truancy Diversion Program to divert his/her case from Court.

The purpose of the Truancy Diversion Program is to address your child's behavior quickly, issue sanctions/consequences to your son/daughter due to your child's non-attendance, and encourage your son/daughter's future. The program is strictly voluntary. If your child is accepted into the Program, the Diversion Agreement will require that your son/daughter complete sanctions within a certain timeframe. If he/she successfully fulfills the Agreement, the referral will be dismissed. Because the program is voluntary, you or your child may decide at anytime to withdraw from the Program or due to your child's failure to comply with the Agreement he/she may be removed from the program. However, if your child decides to withdraw or is removed from the Program, his/her referral will be returned to the School District's Attorney for the formal filing of a petition to compel attendance in Juvenile Court.

During the initial interview with the Case Manager, your truthful answers to the questions will assist us in obtaining accurate information about your child and your family. The information will benefit your son/daughter by assessing his/her eligibility for the Truancy Diversion Program and tailoring the Agreement to address your child's behavior and encourage your child to attend school. If following the appointment with the Case Manager, your son/daughter is accepted into the Diversion Program, we will meet with you and your child again to finalize the Agreement. As the parent/legal guardian/custodian you will have the responsibility to also participate in the program and help your son/daughter complete the Agreement.

There will be a fee to participate in the Truancy Diversion Program. The fee helps pay for any expenses that are incurred by the program for providing services for Agreement activities. You will be expected to pay the agency directly for counseling services provided to address your son/daughter's substance abuse or mental health issues, if necessary. In addition, your child will be expected to be drug free while participating in the Program; random substance abuse testing will be required as requested by the Case Manager or treatment agency, at your expense. If your child is old enough to be employed, he/she will be expected to help with these expenses.

After having read the above information, your signature below indicates that you wish to proceed with the interview and consideration for the Truancy Diversion Program offered by the Weld County District Attorney's Office.

Juvenile	Date
Parent/Legal Guardian/Custodian	Date
Diversion Case Manager/Director	Date

Parental Accountability : Pursuant to 19-2-113 of the Colorado Revised Statutes:

(1)(a) The parent, guardian, or legal custodian of any juvenile subject to proceedings under this article is required to attend all proceedings that may be brought under this article concerning the juvenile. The court may impose contempt sanctions against said parent, guardian, or legal custodian for failure, without good cause, to attend any proceeding concerning the juvenile; except that, if the juvenile's legal custodian is a county department of social services or the department of human services, the legal custodian need not attend any proceeding at which the juvenile's guardian ad litem is present.
(b) For any juvenile adjudicated pursuant to this article, the court may specify its expectations for the juvenile's parent, guardian, or legal custodian, so long as the parent, guardian, or legal custodian is a party to the delinquency proceedings.

(2)(a) The general assembly hereby determines that families play a significant role in the cause and cure of delinquent behavior of children, It is therefore the intent of the general assembly that parents cooperate and participate significantly in the assessment and treatment planning for their children.
(b) Any treatment plan developed pursuant to this article may include requirements to be imposed on the juvenile's parent, so long as the parent is a party to the delinquency proceedings. These requirements may include, but are not limited to, the following:

(I) Maximum parent involvement in the sentencing orders;
(II) Participation by the parent in parental responsibility training;
(III) Cooperation by the parent in treatment plans for the juvenile;
(IV) Performance of public service by the parent;
(V) Cost of care reimbursement by the parent;
(VI) Supervision of the juvenile;
(VII) Any other provisions the court deems to be in the best interests of the juvenile, the parent's other children, or the community.

(c) Any parent who is a party to the delinquency proceedings and who fails to comply with any requirements imposed on the parent in a treatment plan may be subject to contempt sanctions.
(d) The court shall have discretion to exempt the parent from participation in the juvenile's treatment.

School Attendance and Parental Responsibility: Pursuant to 22-33-104 of the Colorado Revised Statutes:

(1) Every child who has attained the age of seven years and is under the age of sixteen years shall attend school.
(5)(a) The general assemble hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and parental responsibility. The general assembly further declares that it is

the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training. Therefore, every parent of a child who has attained the age of seven years and is under the age of sixteen years shall ensure that such child attends the public school in which such child is enrolled in compliance with this section.

Pursuant to 22-33-107 of the Colorado Revised Statutes:

(3) A child who is "habitually truant" means a child who has attained the age of seven years and is under the age of sixteen years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year.

Pursuant to 22-33-108 of the Colorado Revised Statutes:

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

I have read or have been informed of the above, I understand its contents, and acknowledge receiving a copy of the Parental Accountability advisement.

Parent/Legal Guardian Date

TRUANCY DIVERSION AGREEMENT

I, _____, agree to:

- ✓ Answer truthfully all questions asked by my Case Manager.
- ✓ Report any changes in my address or phone number and any contact with law enforcement to my Case Manager immediately.
- ✓ Follow my house rules.
- ✓ I will not use alcohol or a controlled substance without a prescription.
- ✓ I will not commit a criminal offense.
- ✓ Meet with my Case Manager as scheduled.

_____ Pay the $100 program fee within 30 days.
_____ Complete _____ hours of useful community service by_____.
_____ Participate in the Saturday morning education classes as scheduled.
_____ Attend school everyday, unless VERIFIABLY excused, and follow all rules, regulations, and policies of the school (this includes receiving passing grades).
_____ Work at a minimum of 15 hours a week or as scheduled; if in school full time.
_____ Work full-time (40 hours a week) if not in school or attending educational programs.
_____ Participate in substance abuse _____ and/or mental health_____ treatment including testing as instructed.
_____ Complete a _____ project by _____.
_____ Other: _____
_____
_____

I have read the above Diversion Agreement and agree to its sanctions. I understand that if I do not complete the Agreement by _____, my case will be forwarded to the Attorney for the filing of a petition to compel my attendance at school.

_____

Juvenile Date

As the parent/legal guardian, _____, I agree to:

- ✓ Require your son/daughter's attendance at school, which may include attending classes with my child.
- ✓ Attend appointments as needed and Saturday morning education classes as scheduled.

- ✓ Provide or arrange transportation for my son/daughter to Agreement activities.
- ✓ Notify the Diversion Case Manager of any issues or concerns with my son/daughter.
- ✓ Accept a list of community agencies that may assist my family in the future.

_____ Other: _____

_____

I have read the above Diversion Agreement and agree to its terms. I agree that my son/daughter should participate in the Diversion Program. I will assist him/her in fulfilling the Agreement.

_____

Parent/Legal Guardian Date

_____

Diversion Case Manager Date

Community Service

My Case Manager imposed _____ hours of useful community service work. I will have all of the hours completed by_____.

I will be expected to be respectful and cooperative with the Agency or Business that is assisting me with this part of my Agreement. In addition, my parent/legal guardian and I release from liability and agree to hold harmless the Agency or Business, the District Attorney, the Diversion Program, the County of Weld, the Board of County Commissioners of the County of Weld, and their officers, agents or employees, on account of any damages or injuries to our person or damages to our property resulting from my volunteering my time pursuant to this Agreement.

I will arrive promptly at the arranged time and I will be dressed appropriately. If my friends or family members come with me, they will be expected to work with me under the same rules, restrictions, and liability waiver as I have agreed.

I understand that if I fail to participate or are removed from the work site due to my behavior this could adversely affect my Diversion Agreement.

In addition, I understand that if I attend school all day, one hour of community service **will be deducted** from the number of hours imposed. However, I also understand that if I skip a class an hour **will be added** to the number of hours imposed. Potentially, I may not have any community service hours to complete if I attend classes as required.

_____

Juvenile Date

_____

Parent/Legal Guardian Date

_____

Diversion Case Manager/Director Date

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632 (970)351-7300	
SCHOOL DISTRICT _____ IN THE INTEREST OF: Respondent Student And Concerning Respondent.	▲ Case Number: Division: 2
CONTEMPT CITATION AND ORDER TO SHOW CAUSE	

To: _____, Respondent

It appears to the Court, based upon the attached Verified Motion for Contempt Citation, that you may have violated this Court's order compelling attendance issued on _____ (date), and that you may be in Contempt of Court.

You are cited and ordered to appear before _____ (Court) at the above stated address, on _____(date), at _____(time), to show cause, if any exists, why you should not be held in Contempt of Court and punished according to law.

You are hereby informed that you have the following rights at the contempt hearing:

1. The right to an attorney. If you cannot afford an attorney and if a jail sentence will be considered, you may apply for Court Appointed Counsel. There is a required application fee.
2. The right to either a trial to the Court or a trial to a jury (if the contempt sanction exceeds 180 days).
3. The right to have this contempt matter heard by a judge instead of a magistrate.
4. The right to plead either guilty or not guilty to the charge of contempt.
5. You are presumed innocent unless proven guilty.
6. The right to have each and every allegation in the contempt complaint proven by evidence beyond a reasonable doubt.
7. The right to confront and cross-examine all witnesses against you.
8. The rights to present all relevant witnesses and evidence you wish at trial or hearing.
9. The right to request the Court to issue subpoenas to compel witnesses to appear and give testimony.
10. The right to remain silent.
11. The right to testify on your own behalf. If you testify, you waive your right against self-incrimination and the prosecutor may cross-examine you.

The court may impose a fine or imprisonment or both if the court expressly finds: (A) that the contemnor was subject to an order, (b) the contemnor had the ability (in the past) to obey the order, (c) the contemnor willfully failed or refused to obey the order and
(d) the contemnor's conduct was offensive to the authority and dignity of the court.

If you fail to appear in Court at the time, date and place specified on this citation, a bench warrant will be issued for your arrest without further notice and you may be further punished according to law for failure to appear.

Date: _____ _____

District Court Magistrate/Judge

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632	
School District _____ **In the Interest of** **Respondent student and Concerning** Respondents	**▲ FOR COURT USE ▲** Case Number: Division:2
VERIFIED MOTION FOR CONTEMPT CITATION (TRUANCY)	

I, _____on behalf of School District _____, inform the Court that the Order Compelling Attendance previously issued by the Court on _____n this case has been violated. This is a request for the Court to issue a contempt citation against the Respondent _____(names of all parties) and set the matter for hearing. The following are grounds for this request:

1. This Court issued an Order Compelling Attendance on _____ as shown in the Court file.
2. The subject Order was served on the Respondents on _____ (date) by personal service/pursuant to C.R.C.P. 5.
3. The Order was violated by the Respondent based on the failure of the Respondent student to attend school as ordered and/or the Respondent parent/guardian_____ to fail to ensure that the Respondent student attended school as ordered. The Respondent student has been absent for _____ days and _____class periods without excuse as required by Court. Further the Respondent student has failed to comply with the Court order by _____

Therefore, this is a request for a contempt citation to be issued and a hearing held, and that the Respondents be held in contempt of court for violating this Court's Order and punished for this violation by fines, placement of the student outside the home, detention or jail or any other necessary actions to insure compliance with the court's orders.

_____
Signature of Petitioner or Attorney/Agent for Petitioner

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____ _____
Notary Public/Deputy Clerk

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632	
School District _____ **In the Interest of** **Respondent student and Concerning** Respondents	▲ **FOR COURT USE** ▲ Case Number: Division:2
ORDER WITH RESPECT TO CONTEMPT CITATION (TRUANCY)	

THIS MATTER came before the court on _____(date). Present were Petitioner by _____. Respondent ☐Child ☐mother ☐father☐guardian ☐ _____Attorney for Child ☐ _____ Guardian ad litem appeared.

Respondents were advised of their rights. Respondent ☐Child pleads ☐ Guilty ☐Not Guilty.

Respondent mother ☐father☐guardian pleads ☐ Guilty ☐Not Guilty.

☐ Based upon all of the evidence, the Court finds Respondent ☐Student ☐Mother ☐Father ☐Guardian conduct offensive to the authority and dignity of the Court and finds him/her/them in contempt of court. Further, contemnors are subject to an order, had the ability to obey the order, willfully failed or refused to obey the order and the conduct was offensive to the authority and dignity of the court.

Respondent Student is sentenced to _____days in juvenile detention. ☐Sentence is stayed until the next court hearing upon the condition that Respondent Student comply with all court orders compelling attendance and _____.

Respondent ☐Mother ☐ Father ☐Guardian is sentenced to _____ days in the Weld County Jail ☐with work release ☐ without work release. ☐ Sentence is stayed until the next court hearing on the condition that Respondent Student comply with all court orders compelling attendance and, further, _____;

☐Bench warrant is issued for ☐Respondent child ☐Respondent mother ☐Respondent father on receipt of identifying information. Bond is set at _____ ☐ PR ☐Cash/Surety/Property☐Cash only ☐ Cosigned by parent or guardian. Colorado extradition, expiration one year from this date.

☐Bench warrant is issued for ☐Respondent child ☐Respondent mother ☐Respondent father on receipt of identifying information. Bond is set at _____ ☐ PR ☐Cash/Surety/Property☐Cash only ☐ Cosigned by parent or guardian. Colorado extradition, expiration one year from this date.

☐The Court further orders:

_____

_____

_____

☐This matter is reset for a ☐ Contempt hearing ☐Contempt sentencing ☐Review of sentence on _____ at _____m in Division 2 of the Weld County District Court at which time you must be present or a BENCH WARRANT MAY BE ISSUED FOR YOUR ARREST.

☐Contempt is ☐dismissed against Respondent ☐student ☐mother ☐father with respect to the present citation on the Motion of the Petitioner.

Copies served on all parties present. Copies to be served pursuant to C.R.C.P. 5 on all parties not present.

Dated:

BY THE COURT

_____
Rebecca A. Koppes Conway
District Court Magistrate

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 901 9th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632 School District _____ In the Interest of: Child(ren) and concerning Parents(s)/Guardians(s)	◢ *COURT USE ONLY* ◢ Case Number: Division Courtroom

SECURE PLACEMENT AS DISPOSITION FOR VIOLATION OF VALID COURT ORDER

This matter comes before the Court in the exercise of its jurisdiction provided by §19-1-104, C.R.S. upon petition concerning the above-named child. This matter was heard before the Honorable , Judge of the Juvenile Court of County, Colorado on the petition which alleges that said child is in violation of a valid court order issued by this court on the day of 20 . Said child was previously adjudicated guilty on petition and is a status offender as that term is defined in In the Interest of J.E.S., 817 P.2d 508 (Colo. 1991) and 28 CFR Sec. 31.304(h).

I. A. Personally before the Court were:

B. Before the Court on service of process were:

C. Counsel present for the child was:

D. Upon testimony of the witnesses, the evidence received, reports received, statements and arguments of counsel, and the entire record, the Court finds:

☐ that the child has within a reasonable time been served with a written copy of the charges;

☐ that the child has been informed he/she has the right to a hearing on the matter before the court;

☐ that the child has been informed of the nature of this proceeding and the possible consequences associated with it;

☐ that the child has been informed that he/she has a right to legal counsel and that counsel can be appointed at no charge to the child if the child is indigent and can not afford counsel;

☐ that the child has been informed that he/she has the right to call witnesses in his/her own behalf and to confront and cross-examine witnesses against him/her;

☐ that the child has been informed that he/she has a right to have a transcript or record of this proceeding;

☐ that a probable cause hearing or adjudicatory hearing was held on the day of 20 at a.m./p.m. which is within 24 hours, excluding weekends and holidays, of the juvenile's placement in secure detention which occurred at a.m./p.m. on the day of 20 ;

☐ that this violation hearing is within 72 hours, excluding weekends and holidays, of the juvenile's placement in secure detention which occurred on the day of 20 ;

☐ that proof beyond a reasonable doubt exists that said child has violated the valid court order issued by the court on the day of 20 , in the following respects:

☐

☐ that the court has reviewed the written report prepared by , a public agency independent of the court and law enforcement, has reviewed the account provided therein of the juvenile's behavior and the circumstances which brought the juvenile before the court, and has reviewed the assessment of whether all dispositions other than secure confinement have been exhausted or are clearly inappropriate;

☐ that there is no less restrictive alternative appropriate to the needs of the juvenile and the community;

☐ that the juvenile should be placed to best serve the interests of the juvenile and the community;

☐ that the child was informed he/she has a right to appeal this order; within the meaning of the Colorado Children's Code.

II. IT IS, THEREFORE ORDERED:

1. That , who violated a valid court order, is placed as the disposition of this court.

2. It is further ordered:

Date: _____ _____

❑ Judge ❑ Magistrate