

Needs Assessment of Truancy Courts



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*EXPULSED AND AT-RISK STUDENT SERVICES
OFFICE OF DROPOUT PREVENTION AND STUDENT ENGAGEMENT*

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Achievement

Colorado Department of Education Dropout Prevention and Student Engagement Needs Assessment of Truancy Courts

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PURPOSE

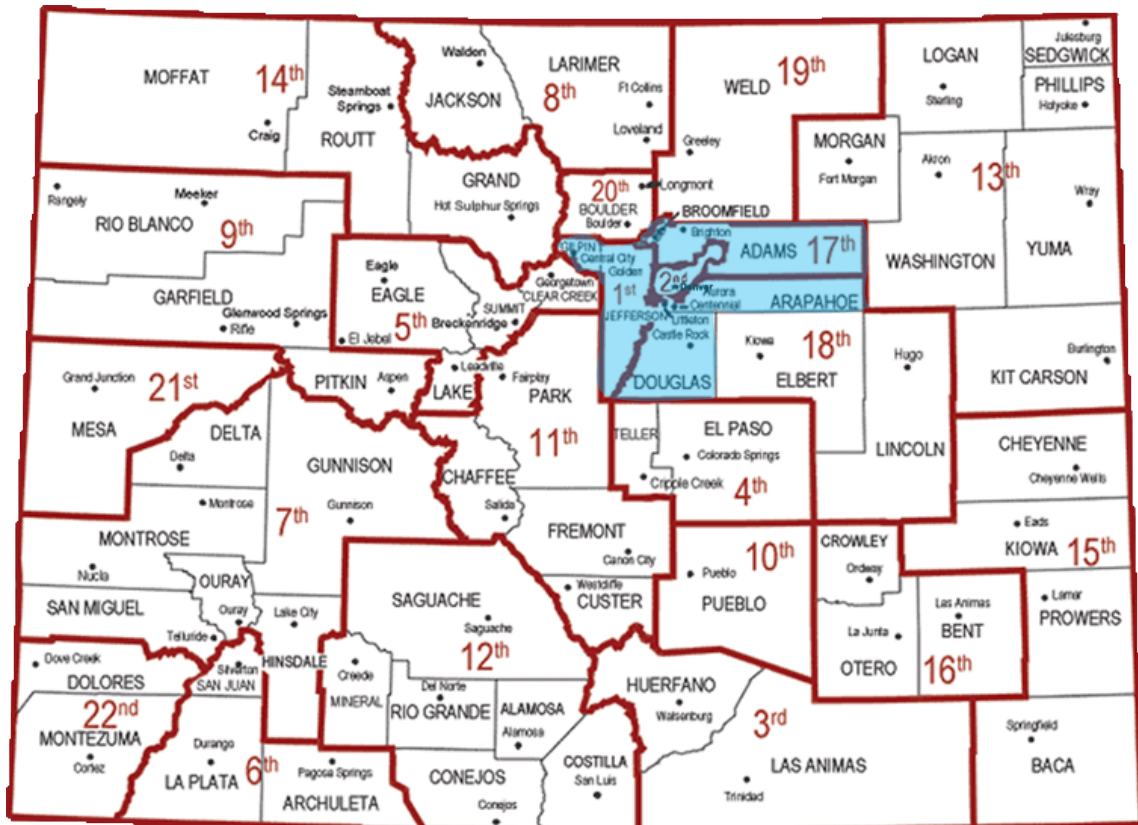
Judicial districts and even district courts within judicial districts have distinct philosophies and implementation of enforcement for habitually truant students. This report is designed to provide a comprehensive picture of these truancy courts, analyze the commonalities, and make recommendations for best practices in enforcing compulsory attendance laws in Colorado through the judiciary.

The purpose of this assessment was to review and analyze the implementation of six truancy courts in four judicial districts in the Denver metropolitan area. The assessment focused on procedures and protocols, resources and relationships with school districts. The more efficiently and effectively truancy courts can run the greater impact this tool in truancy reduction can be.

METHODOLOGY FOR ASSESSMENT

Judicial districts were primarily selected for this needs assessment based on the number of truancy cases and funding for resources; selected districts tended to have a high number of truancy cases and received cases from seven school districts. These school districts received Expelled and At-Risk Student Services grant funds to reduce referrals to truancy court during the 2009-10 school year¹. See the state court districts included in this assessment highlighted in blue in *Map 1* below.

Map 1: Colorado State Court Districts



Source: Colorado State Judicial Branch - <http://www.courts.state.co.us/Courts/Map.cfm>

The needs assessment was conducted through interviews, selected court observations, review of standard documentation, standard court orders, data review/analysis, and research/literature review of truancy courts nationwide.

Field interviews were completed first with the seven school districts, then with the judicial districts. Most interviewees were speaking about the court in a general manner; however, the following areas were touched upon with each interview: identification of best practices, criteria for filing, transitions between court orders and school district to building, post-court follow up, and recidivism.

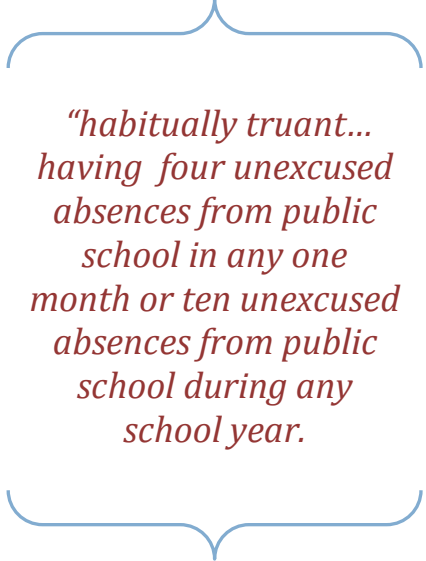
Judicial officers from each of the counties were contacted and interviewed at length with a standard questionnaire, collecting opinions about: the current state of truancy court in the judicial district, common issues in truancy court, school districts' relationships with judicial districts, recommendations for technical assistance from CDE, and recommendations for legislative changes. See the questionnaire in *Appendix A*.

Juvenile court administrators were also contacted to determine the logistics of truancy court in each district as well as any protocol unique to the specific judicial district.

In addition to these interviews, information and assistance was provided from the Colorado State Judicial Branch and private attorneys representing students in truancy court.

OVERVIEW OF ATTENDANCE LAW

Compulsory school attendance laws require students of a specific age to attend public school for the statutorily determined minimum number of hours a year. In Colorado, the School Attendance Law of 1963 establishes the number of hours a student must be in school per school year as well as the mandatory ages in which a child has to be enrolled in and attending school.² "Habitually truant" is a status offense possible for children between the ages of six and seventeen who fail to attend school as required.³ Parents of these school-aged children are also under obligation to make sure their children attend school. Children, by mere means of their age, are in violation of Colorado law should they fail to attend school as required, and this status offense allows for judicial intervention. A status offense, however, is not eligible for punitive sanctions and therefore students cannot be punished through detention for solely the failure to attend school.



*“habitually truant...
having four unexcused
absences from public
school in any one
month or ten unexcused
absences from public
school during any
school year.”*

In Colorado, the compulsory attendance law establishes the State's statutory requirements for judicial intervention with habitually truant students. As defined in the statute, C.R.S. § 22-33-107 (2010), a "habitually truant" child is:

A child who has attained the age of six years on or before August 1 of the year in question and is under the age of seventeen years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year.

Once a student meets the criteria for unexcused absences, the school district is able to file a Petition in Truancy with the district court of the judicial district where the student resides.⁴ A student and his/her parents are brought before the district court of the county in which they reside where the

school district has to prove the student's status as habitually truant. Once the determination of habitual truancy has been established, the court has jurisdiction over the student and the parent(s) to enact orders and possibly a treatment plan. Truancy courts in Colorado establish an initial order for school attendance. For the student, this means an order compelling attendance; the parent(s) are ordered to take reasonable steps to assure the child's attendance. In addition, the court can order a treatment plan, which requires the student and/or parent(s) to engage with pre-identified resources that address the barriers and issues creating the truancy. Most courts seek referral sources for drug and alcohol evaluations and treatment, mental health evaluations and treatment, family counseling, parenting classes, tutoring, tracking attendance, and enforcement of family and home rules.

If a child or parent(s) should fail to follow the court's orders regarding school attendance or any part of the treatment plan, one or all could face contempt of court charges. Contempt of Court is a punitive measure the court can take when a party before the court, "offends the dignity of the court," by failing to abide by a lawful order issued.⁵ Contempt of Court can be punishable by jail/detention and/or fines. In truancy court, most judicial officers use contempt as an additional tool to bring a student into compliance and attend school. The use of detention as a contempt sanction for habitually truant students has been the source of much debate, but currently is allowed when followed with proper procedural guidance from Colorado Rules of Juvenile Procedure 3.8 regulating status offenders (included as *Appendix B*). See *Appendix C – Truancy Court Flowchart* for an overview of truancy court proceedings, including how Contempt of Court can be utilized within the system.

In both calendar years for 2009 and 2010, the six jurisdictions reviewed handled between 1,200 and 1,300 new filings in truancy combined. Jefferson County and Denver County contained the most filings in a year with well over 300 each, while even more students within the school districts are eligible for petitions. According to data reported by school districts to the Colorado Department of Education, both Jefferson and Denver counties had well over 1,000 instances of truancy, but obviously all did not lead to truancy petition filings.⁶ See *Appendix D – Table D4: Truancy Cases Filed by Location* for the specific number of filings per month within each court.

JUDICIAL DISTRICTS' TRUANCY COURTS REVIEW

The following is a summary of six truancy courts (Jefferson County, Denver Juvenile, Adams County, Broomfield County, Arapahoe County, and Douglas County) in four judicial districts (1st, 2nd, 17th and 18th). In each truancy court, the findings are based on interviews, selected court observations, document review, and data provided by the Office of the State Court Administrator.

1st Judicial District – Jefferson County District Court


Jefferson County is home to the largest school district, and the only district which accesses the Jefferson County District Court for truancy matters. Jefferson has a standing order for truancy cases initiated by the presiding judge in 2008.⁷ The protocol requires the school district to show proof that a compulsory attendance letter was sent to a student's home after three unexcused absences, and to submit a "Remedial Attendance Form" (included as *Appendix E*) with the petition, which allows the student's school to describe the student's behavior and circumstances regarding the request for judicial intervention, as well as explain its efforts and any insights into treatment issues

for the student and parent(s)/guardian(s). The judicial officer can then review the school district's efforts to address the truancy prior to filing the petition.

Jefferson County designates two half-day dockets to truancy court a week. An attorney does not typically represent students until the contempt state, at which point those students who financially qualify have an attorney appointed. An attorney represents the school district throughout the proceedings, although Jefferson County only requires an attorney for the contempt stage. Upon adjudication, students and parents receive a treatment plan designed to address the individual needs and issues relating to that student's truant behaviors. According to the Court's standing order, "the purpose of any treatment planning is to identify why the student is exhibiting truancy behaviors and to implement early and effective interventions so that the student is able to maintain attendance, increase school attachment, and become engaged in school." See *Appendix F* for the full 1st Judicial District Truancy Protocol.

Anecdotally, the judicial officer sees approximately fifty percent of truancy cases heading for the contempt stage. Similar to other counties, Jefferson County tries to use contempt as a tool towards compliance with school attendance. It is typical to stay (delay) enforcement of any sentence in order to determine if a student will begin to comply with court orders and attend school. See how Jefferson County compares with other districts in its use of contempt in *Appendix D – Table D3: Contempt of Court by Location*.

Jefferson County requires an additional written report from the school district prior to a contempt sentencing in order to support a request for sanctions. That report has to be specific, detailing the efforts from the Remedial Attendance Plan as well as previous sanctions attempted when seeking detention for a student. As with most of the jurisdictions interviewed, Jefferson County sees detention as a last option for a student before the court. Jefferson County also discussed the use of contempt and jail, or at least the threat of jail, against parents as a helpful tool as well.



In 2010, 41.6 percent of active truancy cases in Jefferson County District Court had hearings on Contempt of Court scheduled.

- Appendix D: Table D3



Jefferson County has a Truancy Committee that meets quarterly in an effort to bring resources together. The truancy court does not have a funding source for student and family resources, so the court relies on the Truancy Committee to identify those resources both within the school district and the community. Currently the court has referral sources in drug and alcohol counseling, mental health counseling, parenting classes, and some community based organizations. Most resources that the court uses are free to the students and families, while others might work on a sliding scale with families. As with most truancy courts, the court struggles to find the most appropriate resources for students without an additional cost burden.

The county department of social services does not play a large role in Truancy Court, but the judicial officer can call the department and refer specific cases for investigation. The department has helped with voluntary services in some situations, however, only a minimal number of dependency and neglect cases have been opened through these referrals.

Unlike other counties, Jefferson County does not close out its truancy cases unless a student ages out of the system by turning seventeen, a contrast made clear in *Appendix D – Table D1: Total Active*

Truancy Cases by Location, where the high number of active cases is visible. Students who have achieved a measure of success in attending school will have their cases reset only on notice. If a student relapses a significant time after truancy court interventions, the school district merely has to request the case get set back on the docket with notice to the student and parent(s). This avoids a new filing, and the students know that they are responsible to the court until the court's jurisdiction ends. The Court's standing order defines a closed case as one where "the child demonstrates good attendance, improved behavior and academic improvement."

2nd Judicial District – Denver Juvenile Court

Denver Juvenile Court is accessed by the one school district in the county, Denver Public Schools. The school district has regular representation by in-house counsel, and unlike all the other counties, students are provided an attorney at the initial stages of the truancy proceeding. Denver Juvenile Court holds truancy court twice a month with half day dockets covered by two different magistrates. When the schedule allows for it, Denver Juvenile Court also tries to select a few full days throughout the school year for a full day truancy docket in order to accommodate the number of school district filings (see *Appendix D – Table D4: Truancy Cases Filed by Location* for exact numbers). Students and cases can flow between the magistrates.

Denver Juvenile Court recently enacted a pre-requisite requirement, whereby the school district has to submit a report with the filing of the petition that allows the magistrates to review previous efforts to improve attendance, information about a student's behavior as well as recommendations for resources or services requested from the court. With the limited docket time in Denver Juvenile Court coupled with the high filings, the court has had to limit the amount of judicial time a student receives under petition. Unlike other truancy courts, Denver Juvenile Court does not schedule regular court reviews of a truancy case once the adjudication and orders for services have entered. See *Appendix D – Table D2: Days to First Court Hearing* to see how long it takes Denver Juvenile Court and other courts to open a truancy case.

Denver Juvenile Court works closely with the City of Denver, whereby most cases are referred to the Denver Safe City program. Originally started as a curfew program, Denver Safe City has grown into a case management program that provides referrals and in-house programming for high-risk youth in the City and County of Denver. Once a student is referred from truancy court to Safe City, the case is only set back on the docket in the event a student fails to comply with the Safe City program and/or the court's orders regarding attendance. For more information about Safe City, see <http://www.denvergov.org/safecity/>.

In 2010, it took an average of 86.68 days from the filing of a truancy petition to the first court hearing in Denver Juvenile Court.

- Appendix D: Table D2

Most cases for on-going hearings before the court have been brought to the contempt stage of proceedings. Students who admit they have not complied with their court order to attend school or are found in contempt for non-compliance of the court order are given an opportunity to comply before sentencing or may be granted a stay of sentence (visible in *Appendix D – Table D3: Contempt of Court by Location*). The judicial officers have used detention as a sanction in rare cases, but reserve detention as a last resort. Students at the contempt stage of a case are no longer eligible for Safe City services.

Facing the same challenges as many of the truancy courts, Denver Juvenile Court struggles to find resources available to students and families due to financial constraints. This is especially apparent when a student is not eligible for Safe City, so the court often ends up depending heavily on the school system to identify internal resources as well as resources in the community that will work with families at low or no cost.

Denver Juvenile Court has a collaborative effort called Creative Options, which brings together stakeholders from all over the City and County of Denver. Creative Options has a court sub-committee, which meets regularly to address truancy matters. While this committee is not exclusive to the truancy court, the truancy court's efforts are discussed and strategized.

17th Judicial District – Adams County District Court

Adams County District Court has the most number of school districts accessing the courts for truancy with six separate school districts within the county. Of those districts, three are exclusively in Adams County, while the other three split judicial districts or counties.

The court does not have any pre-requisites to filing a petition, although some students have participated in a truancy action plan (TAP) prior to appearing in court. The TAP report is generally submitted when available. The TAP is a procedure whereby the school district tries to address truancy matters at the district level as a last attempt prior to court, and focuses on responsibilities of students, parents and the school district in a comprehensive plan for action. See *Appendix G* for the full TAP form.

Adams County has one full docket day a week for truancy along with two additional half days for first advisements every other week. The school districts are mixed as to those that represent themselves in court with a district employee and those that have legal representation from a contract attorney at the petition stage.

The magistrate views approximately 20-25% of cases moving to the contempt stage (see *Appendix D – Table D3: Contempt of Court by Location* for exact numbers). He does not feel that any cases move to contempt that should not be at that level. Students are given attorneys at the contempt stage if they qualify financially for representation. The overwhelming majority of contempt citations admit the contempt, where common procedure is to set the matter out for sentencing in an attempt to gain compliance from the student. Even once a case is sentenced, the court typically stays the sentence while trying to obtain compliance.

Adams County judicial officers have typically supported the availability of detention as a sanction for contempt, although this severe sanction is used sparingly. The overwhelming feeling is that students and families need to know that detention is a possible contempt of court sanction, and that it is a necessary function of the court. Typically, cases utilizing detention as a sanction involve older teenage boys exhibiting a pattern of defiance towards authority figures in both schools and court systems.

Adams County District Court received funds for one year (2009-2010) from the 1451 Adams County Collaborative Management Project (<http://collaboration.omni.org/sites/1451/>) which provided funding for assessment and case management from the Adams County LINK program, as well as case management, substance abuse monitoring, electronic monitoring and community

service from the PATHS program. These programs were not available to all students within truancy court, but were resources that the judicial officer could order for those considered high risk or in need of these services.

Adams County Department of Social Services has played an increasing role in truancy court; a Department representative currently runs the Truancy Review Board, which is an interdisciplinary group meeting regularly to staff current truancy cases. The board is comprised of stakeholders from social services, law enforcement, schools, community based organizations and mental health. The model runs similar to a school accountability review board (SARB), whereby a student and parent(s) attend the board meeting and discuss the issues preventing compliance with attendance and potential resources to help the student and family.

Even with the 1451 Adams County Collaborative Management Project money and the Truancy Review Board, Adams County struggles with resources. The county mental health center, Community Reach, will provide six free therapy sessions for students, however, it is difficult to find on-going services for students and families at low or no cost. The court relies on the school districts to recommend resources and request specific orders to address a student's needs.

The court looks for and determines a successful case as one where the student is demonstrating good grades and attendance is increased. This standard of success may differ than the goals set by the school district. As a result, the school district may ask the court to hold on to cases for longer periods of time.

17th Judicial District – Broomfield County District Court

Broomfield County's truancy court is much smaller than Adams County's. With one main school district utilizing the truancy court, Broomfield County has a much lighter docket with regards to truancy; see how Broomfield County compares to other districts in *Appendix D – Table D4: Truancy Cases Filed by Location*. A second school district has one high school in Broomfield County, where the rest of the school district utilizes Adams County. Truancy docket is held every second and fourth Wednesday of the month for an afternoon docket.

Currently, Broomfield County does not have any pre-requisites to filing a petition, but school representatives try to give a brief narrative included with the petition as well as an oral report in court. This report provides a comprehensive picture of the student, family and the truancy issues.

The judicial officer interviewed is fairly new to the truancy docket in Broomfield County and is looking at ways to improve the court process. She has been working with the county department of social services to start a truancy review board similar to Adams County and has been negotiating a larger pool of attorneys in Broomfield County to represent students.

In Broomfield County, the judge has identified about 20-25% of cases moving to the contempt stage, but currently only has a few contempt actions pending before the court, (see *Appendix D – Table D3: Contempt of Court by Location* for exact numbers). Similar to Adams County, most contempt citations result in a student admitting the contempt, and the sentencing phase is used as an opportunity to pull the student into compliance with school attendance. The judicial officer tries to use written assignments, community service, juvenile work crew, and other creative options for the

sentencing phase of contempt. Detention is rarely used, and usually frowned upon, but as with other truancy courts, the judicial officer feels it is necessary to have as a resource in extreme cases.

Broomfield County struggles with resources as the judicial officer relies heavily on the school district for recommendations of services within the district. Boulder Mental Health, which is the mental health facility for the judicial district, has been historically difficult for the truancy court system to access. Broomfield County's court does not have any financial resources to pay for ordered services for students or families, and therefore, specific services such as family therapy, substance abuse treatment, and individual counseling are more difficult to obtain. Referrals have been made to the county department of social services; however, the referrals are not resulting in any dependency and neglect petitions.

As the judicial officer is so new to the truancy docket, she does not have a determination yet as to what defines a successful case that should be closed. She does see instances where there is pressure to keep a case in the system in order to continually motivate a student to comply with school attendance policies and the case is kept open for too long. Compare Broomfield County's active cases to other districts in *Appendix D – Table D1: Total Active Truancy Cases by Location*.


18th Judicial District – Arapahoe County District Court

Arapahoe County's truancy court is one of two courts where the judiciary clearly defines and drives the procedures required for the participating school districts to follow. Similar to Jefferson County, Arapahoe County established a standing order providing school districts, students and parents with clear expectations and guidelines from the court. See *Appendix H* for Arapahoe County's amended truancy policy. In Arapahoe County, school districts are required to file a detailed report with every petition as well as a supplemental report prior to each hearing. Reports follow a formula laid out by the court, and must be filed in advance of the court hearing to allow the magistrate time to review each report.

Four school districts feed into the Arapahoe County truancy court, which is split up into two dockets with two different magistrates. Each docket is heard once a week and cases are set for review based upon needs of the case. Unlike most dockets among the studied truancy courts, Arapahoe County can review specific cases on the docket as often as every two weeks if necessary, whereas most other dockets have to plan cases at least a month or two in advance. See how the weekly docket affects the speed to first hearings in *Appendix D – Table D2: Days to First Court Hearing*.

Each school district is represented by a licensed attorney who is contracted by the individual school districts. Students and parents can request an attorney at the petition stage, however, it is uncommon for such a request, and most students do not have an attorney at the early stages of the truancy court proceedings.

The magistrates covering truancy court have differing experiences regarding contempt, whereby one magistrate estimates about 75 percent of petitions going to the contempt stage (meaning a contempt citation is issued). The other Arapahoe County magistrate sees that number as much lower and actually denies contempt citations if she feels the school district has not tried enough to



In 2010, 0.6 percent of active truancy cases in Arapahoe County District Court had hearings on Contempt of Court scheduled.

- Appendix D: Table D3



bring a student into compliance with school attendance (for exact numbers, see *Appendix D – Table D3: Contempt of Court by Location*). Arapahoe County utilizes community services and residential work programs as sanctions as well as devising creative sanctions, such as making a parent shadow a child and removing students' phones/electronic devices by requiring parents to turn them into the court. Arapahoe County rarely uses detention, with one magistrate discouraging the practice altogether and the other very reluctant, concerned that school districts ask for detention for the wrong reasons.

Unlike other judicial districts, Arapahoe County has been able to sustain funding for services to students and families. Through grants obtained in part by SB 94, local foundations, and some funding from the City of Aurora, students and families can receive a variety of court ordered services without having to be financially responsible for those services. These services are available to the student and family based on the adjudication of the petition as well as sentencing from a contempt proceeding.

Arapahoe County has also forged a successful partnership with Court Appointed Special Advocates (CASA), a volunteer agency that trains individuals to work within the child protection system as advocates for children. CASA has worked with the Arapahoe Truancy Court to use their volunteers to provide advocacy services to students. Advocates can conduct home and schools visits, as well as help families connect with the resources ordered by the court.

Arapahoe County has a more established criteria for success within the truancy court system, whereby one magistrate has stated that successful completion of a case requires proficient grades, no unexcused absences and no tardies. An Arapahoe County judicial officer has also described a successful case as one in which the student has an obvious transition in thinking and becomes engaged back in the school process. The standing order gives the court discretion to close a case "once the child has demonstrated good attendance, improved behavior and academic improvement."

18th Judicial District – Douglas County District Court

Douglas County is one of the smaller truancy courts in the metropolitan area. Despite the large size of the school district, Douglas County School District does not file a large number of cases; see how Douglas County compares to other districts in *Appendix D – Table D4: Truancy Cases Filed by Location*. The truancy docket is held once a month in the afternoon and reviews truancy cases approximately every thirty to sixty days.

According to the judicial officer, very few cases reach the contempt stage in Douglas County truancy court, visible in *Appendix D – Table D3: Contempt of Court by Location*. She attributes the low number to a progressive SARB model within the school district. Students and families go through the SARB process before a petition in truancy court is filed. Therefore, those cases that are filed in truancy court have had a significant amount of intervention at the school district level. The court does not generally use detention as a sanction in the contempt stage, viewing truancy more from the lens of a dependency and neglect proceeding. The judicial officer believes behaviors should be managed through treatment rather than punishment.


Douglas County does not have a truancy committee; however, the judicial officer does participate in a HB 1451 committee, which provides legislative funding designed to produce collaboration

management services. Community members and stakeholders share ideas and resources for children and families within the judicial district. The truancy court does not have separate funding sources for resources and relies on the school district to share internal resources.

TRUANCY COURTS' COMMONALITIES

The commonalities found between judicial districts, judicial officers, and school districts in this needs assessment are summarized below. For an at-a-glance summary, see *Table 1* on p. 13. Findings based on document review and interviews with representatives from six jurisdictions show the following:

- 100 percent of judicial districts report that Delinquency or Dependency and Neglect cases are often the trigger for opening a student truancy case.
- 83 percent of jurisdictions have some form of an advisory committee with varying levels of involvement. Two of the five are spear headed by the judicial officer, while a different stakeholder within the community runs the other three committees. Though the school districts participate in all of these committees, none of the school districts have started or managed the committees themselves.
- 66 percent of the judicial districts have attorneys representing the school districts at all stages of a truancy case.
- 50 percent of jurisdictions have a single school district covered in their county. The remaining jurisdictions have six, four and two school districts accessing judicial intervention within the judicial district. Having more than one school district within the judicial district adds the additional challenge of understanding the differences between the school districts' protocols, procedures and resources.
- 50 percent of jurisdictions have weekly dockets for truancy court. Two of the remaining jurisdictions meet less often due to smaller volumes of cases. One jurisdiction is forced to reduce truancy docket time due to judicial resources.
- 50 percent of jurisdictions require some sort of report or assessment submitted on the student prior to the first appearance in court. One county court receives a report if the student has attended a particular program within the school districts.
- 33 percent of jurisdictions have a standing order regarding truancy protocol. The protocols lay out the court's expectations of the school district along with requirements for reports prepared for the initial hearing as well as subsequent hearings.
- 17 percent of the judicial districts regularly appoint attorneys to eligible students at the petition stage of a truancy action.



100 percent of judicial districts report that Delinquency or Dependency and Neglect cases are often the trigger for opening a student truancy

Results of interviews with eight magistrates/judicial officers indicate that most desire more truancy-specific training:



- 88 percent of the eight magistrates/judicial officers reported receiving no formal training on truancy research prior to taking a truancy docket. One judicial officer received informal training from a colleague on the truancy bench. Training in this area refers to an understanding of the social-emotional issues behind truancy behaviors and not training as to judicial procedures and protocols of truancy court.

Results of interviews with representatives from school districts show minimal communication between school districts and courts. Out of the six school districts involved in the assessment:

- 50 percent of the school districts reported having a good knowledge of the school districts' pre-court truancy programs.
- 33 percent of the school districts have a written guideline as to when a case can be closed.
- 17 percent of the school districts maintain jurisdiction over every case until the child ages out by statute at 17 years old.

JUDICIAL OFFICERS' REQUESTS

Each judicial officer interviewed was given an opportunity to make their own recommendations for technical assistance or other requests that would help truancy courts in their jurisdictions. These responses are the most common requests:

- **Funding for and access to more and better resources**
 - All of the judicial officers discussed the hurdles faced when issuing treatment plans for the students and families in truancy court. There are frequently limited, inadequate services, especially for mental health assistance. The judicial officers strongly encourage funding for necessary mental health treatment providers when a referral is made through a court order.
- **Creating positions for case managers or case trackers**
 - Many of the judicial officers discussed the need for case management as a critical piece. While a few of the courts have some type of case manager position, usually attached to the schools, more case managers are needed so that caseloads can be small enough to be effective.
- **Truancy Training**
 - Judicial officers come to the bench with varied experiences from practicing law, but it is not common that an attorney comes to the bench specifically with truancy experience. Judicial officers expressed the need for training around high-risk youth in general but also expressed the lack of knowledge regarding the research on truancy, the school systems themselves, the school truancy programs, and the resources available through schools.

Table 1: Truancy Court Commonalities Summary

Court	Only 1 School District in the Jurisdiction	Required Report on Student Prior to First Court Appearance	Standing Order Regarding Truancy Protocol	Weekly Truancy Court Dockets	Dependency & Neglect / Delinquency Case Bundling with Truancy Cases	Attorneys Regularly Appointed to Students at Petition Stage	School Districts Represented by an Attorney at All Case Stages	Court has Some Form of Advisory Committee
Jefferson County (1st Judicial District)	X	X	X	X	X		X	X
Denver Juvenile (2nd Judicial District)	X	X			X	X	X	X
Adams County (17th Judicial District)				X	X		X	X
Broomfield County (17th Judicial District)	X				X			X
Arapahoe County (18th Judicial District)		X	X	X	X		X	
Douglas County (18th Judicial District)					X			X

REPORT RECOMMENDATIONS

- **Institute training for judicial officers**

- Judicial officers should receive formal training regarding truancy either prior to or shortly after taking the bench for a truancy docket. Training should include overviews of the local school district(s) truancy programs, social and emotional issues with high-risk students targeted for truancy and best practices for truancy interventions within the schools and court systems.
- A standardized training manual for each judicial district could be helpful given the natural turnover of judicial officers in truancy court. This manual should differ from a typical bench book, which focuses on judicial procedures for judges and magistrates. The manual should also include a list of resources available in both the community and the school district for students and families.

- **Formalize a truancy committee with leadership from the judicial officer that involves all necessary stakeholders (the school district, social services, probation officers, community-based organizations, treatment providers, etc.)**

- When asking a school district representative what the most helpful aspect of truancy court is, her response was, “The collaboration between the school district and the court. A strong collaboration between the court and the school district will lead to the best results for students and families.” While the majority of the jurisdictions have some sort of advisory committee, the committees need to take on a more formal role in developing protocol and procedures with the court. Judicial officers should play an integral role in the collaboration, which should include all stakeholders in the county to include, but not be limited to, school personnel, human services, law enforcement, and community resources. At a minimum, drug and alcohol treatment providers and mental health treatment providers should be involved from the community side.
- The truancy committee should be responsible for defining key elements such as: when a case is successful and can be terminated, what criteria should be used to determine if a contempt action is necessary, identifying and recruiting community resources and referrals, making suggestions for court procedures and protocols.

- **Case management of students under petition**

- Research has demonstrated that case management within truancy reduction programs is considered a best practice.⁸ Whether the case management is housed in the court or within the school system, judicial officers should have the benefit of case managers to help students and families fulfill the orders issued by the court as well as to receive accurately tracked information about student and family progress on any treatment plan.
- Case managers should have reasonable caseloads in order to meet regularly with students between court dates as well as provide quality written reports with recommendations to the court. According to the National Center for Student Engagement Truancy Case Management Handbook: “The ideal case load depends on the level of truancy and the issues affecting the student. One case manager can serve 30 to 40 students if the students are considered “early intervention” and exhibit a low level of truancy. If students are “late intervention” and exhibit high levels of truancy, a single case manager should focus on no more than 20-30 cases.”⁹

- **Funding for court-ordered services**

- All truancy courts indicated a struggle to obtain necessary funding to provide services for students and families. School districts generally agree that cases move to the court stage because every resource within the school district has been exhausted. Therefore, the most difficult cases regarding truancy are going to the court system, where there is often the least amount of paid resources available.

- **Court-driven procedures**

- Truancy courts should develop a standing order regarding truancy protocol in order to effectively communicate expectations of all parties, (school districts, students, and parents), as well as formalize communications necessary for the court to effectively implement treatment plans. These court-driven procedures will ideally be developed with input from the truancy committee (identified as a recommendation above) and will be specific to each county based on needs and resources available in the judicial district, school district(s) and community.

- **Increased collaboration with county social services**

- The judicial districts all had varying degrees of participation and collaboration with the county department of social services. A common theme for the judicial officers, however, was the limited ability to refer a truancy case for investigation of dependency and neglect. As much as judicial officers agree that truancy, especially with elementary students, mirrors dependency and neglect cases, judicial officers indicated how rare it was to have a child protection action issued for the family.

- **Adoption of a Problem Solving court model**

- Problem Solving Courts have been gaining attention since their inception in the 1990's. The idea behind a problem solving court is to promote outcomes through collaboration rather than focusing on the adversarial process typically found in court.¹⁰ Historically, Problem Solving Courts began primarily in drug courts; however, the model has expanded into many other areas of specialty for the courts. Focusing on the needs of a drug offender's reform through treatment, drug courts' sentencing takes into account the safety of the community, the accountability of the defendant and the necessary treatment to recover from the addiction to drugs.
- Truancy courts have started to use this model in a few jurisdictions throughout the country. The three main principals of problem-solving courts include (1) problem-solving orientation, (2) collaboration and (3) accountability.¹¹ Problem Solving Courts can easily serve as a model for truancy courts as some of the common elements directly compliment the principles undergirding truancy reduction:
 - Focus on outcomes – Provide positive outcomes for students, schools, and the community.
 - Systems change – Promotes reform in how the government systems respond to the problem of truancy and high-risk youth in education.
 - Collaboration – Work with external parties to achieve goals.
 - Non-traditional roles – The court takes on roles or processes not common in traditional courts, such as facilitating outcomes rather than overseeing an adversarial process.
 - Screening and Assessment – Screening and assessment tools are important to determine the appropriateness of treatment plans.¹²

- A Problem Solving Court can and usually incorporates the recommendations listed above to improve the truancy court process. The due process requirements of a court do not change with a problem-solving court in that a student must admit a petition or be found a habitually truant student through evidence before the collaborative phase is implemented. The focus of the court, however, changes in the treatment phase. Typically problem-solving courts collaboratively manage a case, whereby students and parents appear much more often in the courtroom, and have a team of stakeholders working towards the same goal of helping the student achieve compliance and attend school.
- Such a court would better mirror the needs of a student where immediate consequences and rewards play a critical role in addressing a truant student's behavior. Frequent court hearings addressing consequences for failure to attend school and complying with orders, as well as to provide a natural system of rewards for when a student does demonstrate progress, is the backbone of a Problem Solving Court system. Again, the key is to allow the court all the necessary resources both within the courtroom and in the community to provide necessary wrap-around services to a student and parent(s)/guardian(s).
- Problem Solving Courts are more intensive in terms of time and effort on the front end of a case, however, they can be more effective in a shorter time-period, reduce recidivism, and decrease the need for or use of sanctions that include detention.¹³ Colorado's State Judicial Branch has already demonstrated strong support for Problem Solving Courts since the first drug court started approximately twenty years ago. Since then, support has been given to other Problem Solving Courts around the state to include mental health courts, juvenile drug courts, and dependency/neglect cases. In March 2008, Chief Justice Mullarkey of the Colorado Supreme Court established the Problem Solving Court Advisory Committee, which was created to address issues such as compliance with the key components of Problem Solving Courts, staffing models, funding models, program evaluation, and sustainability. Truancy court is a natural fit for this growing trend within Colorado as well as courts across the country.

Problem Solving Courts can easily serve as a model for truancy courts as some of the common elements directly compliment the principles undergirding truancy reduction

APPENDIX A – JUDICIAL OFFICER INTERVIEW QUESTIONS

Judicial officers from the counties were contacted and interviewed at length with the following standard questionnaire:

I. Current state of truancy court in your judicial district

1. What are your truancy petition requirements, if any? (i.e., do you have any pre-requisites for the school districts before they can file a case? Are they required to provide any additional information with a petition?)
2. What are your local court-driven procedures for truancy court?
3. How often are cases brought to the contempt stage?
4. Are attorneys/guardians ad litem utilized in the courtroom? How often? At what stage of the proceeding?
5. Do you see any trends in filing? (i.e. time of the year)
6. What do you think is the average length of cases in your courtroom?
7. What kind of cooperation/collaboration do you have with other juvenile court systems? (i.e. D&N or JD)
8. What resources are available to you for court ordered intervention?
9. Who pays for the resources available to you?
10. Do you see any recidivism in truancy court? Do you keep any statistics on recidivism?

II. Common issues in truancy court

1. Are the contents of the truancy petitions adequate to give you necessary information on the student and parents? What further information would be helpful to you?
2. What is your current docket time dedicated to truancy and what would be the ideal amount of time?
3. What is the average length of time from filing of the petition to first appearance?
4. What kind of legal representation occurs in your courtroom (school districts and students)
5. Do you have a strong understanding of what efforts the school districts have tried to intervene with students prior to filing a petition in truancy?
6. Do you have a strong understanding of what internal resources the school district can provide students in truancy court?
7. What type of cases are utilizing contempt procedures against the students (i.e. what types of behaviors or non-compliance will trigger a contempt filing?)
8. Do you think contempt is being used properly?

III. Summary of school districts relationships with judicial districts

1. Please describe the court's relationship with the school districts.
2. What have been the most successful aspects of truancy court?
3. What have been the biggest barriers of truancy court?
4. Which students do you find gain the most from truancy court?
5. Which students do you find have the most difficulty in truancy court?
6. What criteria do you use to determine if a case is successful?
7. When do you close out a truancy case?

IV. Recommendations for technical assistance from CDE

V. Recommendation for legislative changes

APPENDIX B – COLORADO RULES OF JUVENILE PROCEDURE 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 that 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 (Colorado's Committee on the Valid Court Order)

The reference to "valid court orders" is taken from the federal Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended, which are 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 JJDP, 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 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.

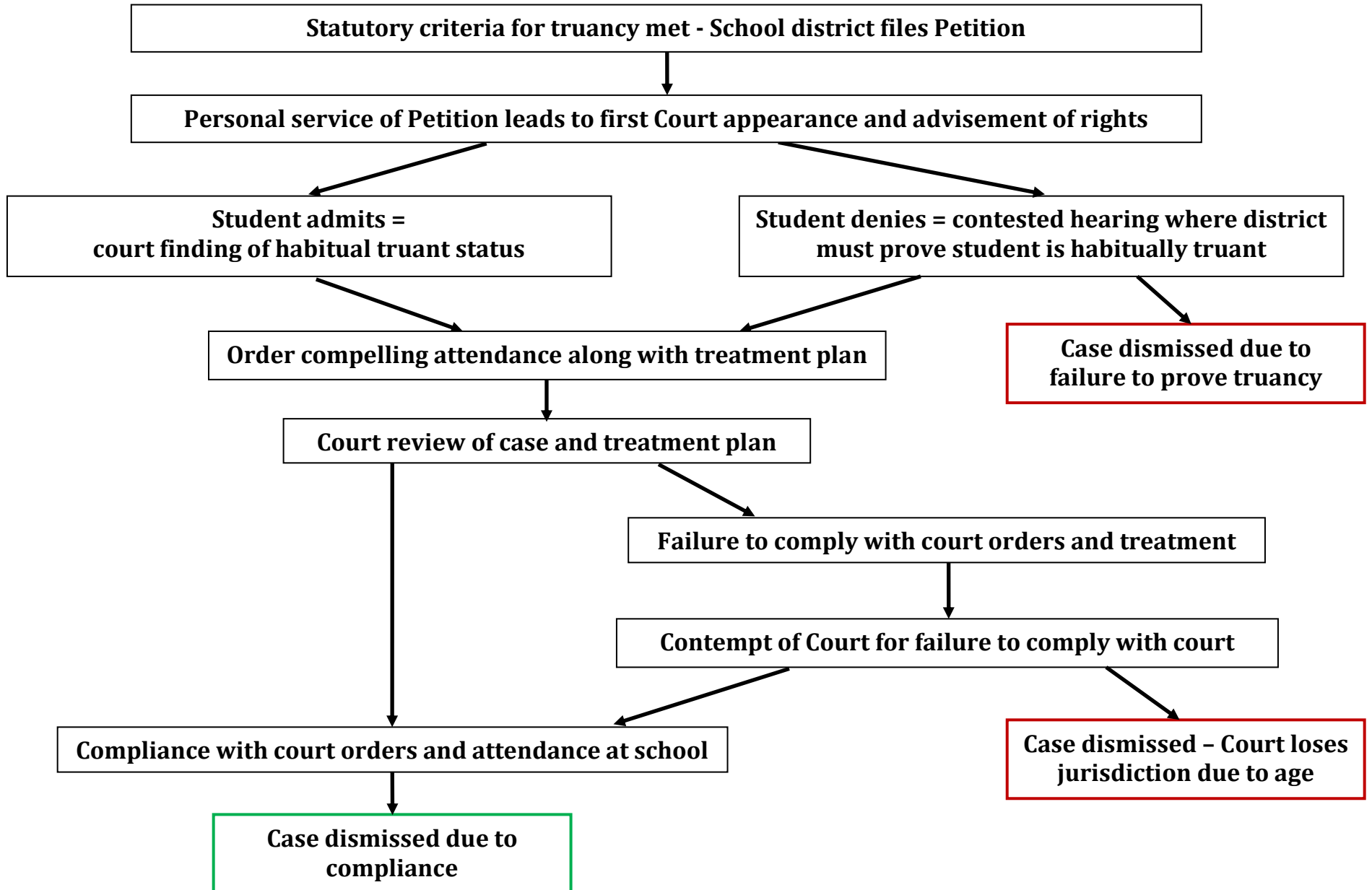
Runaways who are in violation of their probation (for a delinquent offense) do not fall under this rule.

ANNOTATIONS

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.

Taken from the Colorado Compliance Monitoring Report: 2010 Compliance Monitoring Checklist. Retrieved September 9, 2011 from <http://dcj.state.co.us/oajja/ComplianceMonitoring/2010%20CM%20Report%20Narrative-CO.pdf>

APPENDIX C – TRUANCY COURT FLOW CHART



APPENDIX D – TRUANCY COURT STATISTICS

The table below shows the number of active truancy cases there were in a given calendar year (January – December) for the various county courts. This table includes not only new truancy case filings, but also any carry-over cases from the year before if the case was still active and the student was still subject to court appearances. As is visible below, Jefferson County had the highest number of active truancy cases in both 2009 and 2010, but it is also the largest school district in Colorado.

Table D1: Total Active Truancy Cases by Location

Judicial District	County	Number of Cases with At Least One Event Scheduled*	
		2009	2010
1st	Jefferson	684	531
2nd	Denver Juvenile	576	319
17th	Adams	345	337
	Broomfield	17	25
18th	Arapahoe	401	476
	Douglas	23	10

The table below shows the number of days that elapse between a school district’s first filing of a truancy petition and the first court appearance. Denver Juvenile Court takes longer than other courts listed to hear a truancy case, with the number of days to first hearing sharply increasing from 2009 to 2010. In 2009, Arapahoe county court took the least amount of time with only 14 days from petition filing to first court appearance, and in 2010 Broomfield was the shortest elapsed time (16 days).

Table D2: Days to First Court Hearing

Judicial District	County	Cases Filed in 2009			Cases Filed in 2010		
		Number of Cases	Mean Number of Days to 1st Hearing	Median Number of Days to 1st Hearing	Number of Cases	Mean Number of Days to 1st Hearing	Median Number of Days to 1st Hearing
1st	Jefferson	453	30.16	20	297	27.30	20
2nd	Denver Juvenile	283	54.58	48	224	86.68	84
17th	Adams	186	33.12	27	178	37.76	23
	Broomfield	9	27.00	27	22	23.05	16
18th	Arapahoe	223	28.54	14	260	34.37	24
	Douglas	9	29.44	22	8	33.50	30

The table below shows the number and percentage of Contempt of Court cases for truancy issued by the respective courts in order to give a picture of how frequently contempt is used in truancy courts. Jefferson County has the highest number of Contempt hearings with close to 50 percent each year, while other courts such as Douglas, Arapahoe, and Adams Counties use Contempt of Court less frequently with 10% or less of their active cases going to the contempt stage.

Table D3: Contempt of Court by Location

Judicial District	County	2009		2010	
		Number of Hearings on Contempt Scheduled	Percentage of Active Truancy Cases	Number of Hearings on Contempt Scheduled	Percentage of Active Truancy Cases
1st	Jefferson	358	52.3%	221	41.6%
2nd	Denver Juvenile	80	13.9%	41	12.9%
17th	Adams	11	3.2%	0	0.0%
17th	Broomfield	6	35.3%	6	24.0%
18th	Arapahoe	4	1.0%	3	0.6%
18th	Douglas	0	0.0%	1	10.0%

The table below shows the number of new truancy petitions filed by school districts each month. There are far fewer cases filed in July and August since most schools are not in session at that time. Many school districts file a high number of petitions in January.

Table D4: Truancy Cases Filed by Location

Year Filed	Judicial District	County	Month Filed												Year Total
			Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	
2009	1st	Jefferson	92	65	71	24	77	66	6	0	9	24	25	40	499
	2nd	Denver Juvenile	21	27	21	39	2	0	1	48	107	28	52	0	346
	17th	Adams	3	15	32	24	42	1	0	2	3	34	8	42	206
	17th	Broomfield	1	0	2	3	0	0	0	0	0	2	2	2	12
	18th	Arapahoe	35	19	25	31	28	8	2	0	28	14	46	25	261
	18th	Douglas	0	0	3	6	0	0	0	0	1	1	0	0	11
	2009 Totals			152	126	154	127	149	75	9	50	148	103	133	109
2010	1st	Jefferson	39	47	31	44	66	31	14	0	7	17	23	18	337
	2nd	Denver Juvenile	82	52	8	26	2	2	0	24	38	24	8	68	334
	17th	Adams	14	21	31	28	29	6	0	1	16	33	16	19	214
	17th	Broomfield	4	1	6	2	3	0	0	0	5	1	0	7	29
	18th	Arapahoe	17	27	57	57	30	9	0	3	11	35	22	23	291
	18th	Douglas	0	0	3	0	2	0	0	0	0	2	1	0	8
	2010 Totals			156	148	136	157	132	48	14	28	77	112	70	135

Note: The "Year Total" numbers in this table differ from the "Number of Cases" numbers in table D2: Days to First Court Hearing because not all petition filings result in court cases, especially if the magistrate does not believe the school tried enough prior interventions.

APPENDIX E – JEFFERSON COUNTY REMEDIAL ATTENDANCE FORM

Please complete both pages

To be maintained by school until submitted to Student Outreach

REMEDIAL ATTENDANCE PLAN FOR _____

DATE INITIATED _____ BY _____

SCHOOL _____

Phone conferences held with parent/guardian:

(at least 2 must be completed in order to request truancy court)

	Date	Plan of Action
1.		
2.		
3.		

Face to face conferences held with student:

(at least 2 must be attempted and/or completed in order to request truancy court)

	Date	Plan of Action
1.		
2.		
3.		

Face to face conferences held with parent/guardian:

(at least 1 must be attempted and/or completed in order to request truancy court)

	Date	In Attendance	Plan of Action
1.			
2.			
3.			

Has a referral been made to the Juvenile Assessment Center:

_____ Yes _____ No If yes, date of referral _____

Written correspondence regarding attendance:

1. School letter _____	Date
2. Request for medical letter (optional) _____	Date
3. Medical letter sent (optional) _____	Date
4. Compulsory letter _____	Date
Compliance date in letter _____	
5. Initial court request _____	Date
6. Contempt of court request _____	Date

**SUMMARY OF STUDENT'S BEHAVIOR AND SITUATION
TO BE COMPLETED BY THE REQUESTING SCHOOL**

Student Name: _____

1. Please describe the behavior of the juvenile and the circumstances under which the truancy court action is requested. Attach additional pages as needed.

2. Describe the reasons for the student's behavior to the best of your ability (describe known family situations, substance abuse issues, peer issues, etc...) Describe who you have interviewed, what tests/assessments have been conducted, what the juvenile has said, what teachers have stated. Attach additional pages as needed.

**** ALL items must be completed prior to requesting an initial truancy court hearing. Make sure to document all attempts, even if no call/conference occurred (if no call/conference occurred please list the date of the attempt). Please attach this form (both pages) to the initial court request. School district officials and their attorney may use discretion in determining whether or not to file a case.**

From: <http://sc.jeffco.k12.co.us/education/components/docmgr/default.php?sectiondetailid=153608&>

APPENDIX F – FIRST JUDICIAL DISTRICT TRUANCY PROTOCOL

FIRST JUDICIAL DISTRICT: JEFFERSON COUNTY, COLORADO Court Address: 100 Jefferson County Parkway Golden, Colorado 80401 Phone Number: 303-271-6104	Δ COURT USE ONLY Δ
PRESIDING JUVENILE JUDGE ORDER REGARDING TRUANCY PROTOCOL	

WHEREAS, C.R.S. 22-33-101 et seq sets forth the statutory scheme for truancy matters and

WHEREAS, it is in the best interests of children that they receive a proper education,

NOW THEREFORE, the School District of Jefferson County shall follow the attached truancy protocol.

THIS ORDER IS ENTERED, this 12th day of September, 2008:

Brian Boatright
Presiding Juvenile Judge
First Judicial District

TRUANCY PROTOCOL
FIRST JUDICIAL DISTRICT

SEPTEMBER, 2008

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 manner 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. Effective July 1, 2008, the School Attendance Law requires that each child between the ages of 6 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 6 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 and unexcused 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 6 and 17 years having four unexcused absences from public school in any one month or ten unexcused absences during any school year. C.R.S. 22-33-107). The plan shall be developed with the goal of assisting the child to stay in school and, when practicable, with the full participation of the child's parent, guardian or legal custodian.

NON-LAWYERS ARE PROHIBITED FROM PRACTICING LAW. NON-LAWYERS SHALL REFRAIN FROM GIVING LEGAL ADVICE, SIGNING COURT PLEADINGS, OR ENGAGING IN ANY OTHER CONDUCT THAT MAY BE INTERPRETED AS THE UNAUTHORIZED PRACTICE OF LAW. PLEASE READ THE ATTACHED INFORMATION CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.

INITIAL JUDICIAL PROCEEDINGS
PETITION TO COMPEL ATTENDANCE

- A. Once a school district has determined 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.
 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. The deadline for compliance should be established and should be prior to the date for hearing on 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. **ONLY A LICENSED ATTORNEY IS PERMITTED TO DRAFT, SIGN AND FILE THE PETITION TO COMPEL ATTENDANCE.**
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.
 2. The Summons to appear must be served so that the Respondents have at least five (5) days notice before an appearance is required.
 3. A case number will be assigned to each case. Information concerning this process may be obtained by the clerk in Division Y.
 4. If a school district decides to have a non-attorney employee represent them on a Petition to Compel School Attendance, the district must designate one person to represent the District in Court. In addition, each school is required to send an individual who is familiar with the student and his/her family (case manager, truancy specialist, etc.) to every Court Hearing/review to provide information

concerning what truancy interventions have/have not been implemented and/or have/have not been effective.

5. **The Court requires that a written report with respect to the juvenile's attendance, behavior, grades as well as family information/involvement be prepared and presented to the Court at the initial hearing (see attached Remedial Attendance Form, Summary of Student's Behavior and Situation) to be completed by the requesting school.**
6. Each parent/custodian/child (if age appropriate) shall be provided with a copy of the advisement form and will have read it 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. It must advise the parties of their right to have a Hearing on the Petition, and any possible penalties that may enter including jail and/or detention. Spanish language advisements are available and shall be provided as necessary (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 the preponderance (more likely than not).
8. 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.
9. The Court requires that a proposed Order Compelling Attendance be available for service on any parties at any time the Court enters an Order Compelling Attendance.
10. The School District shall establish treatment plans for the Court's consideration and shall provide updates to the Court. The School District shall maintain an updated list of resources available for at risk students/families. The purpose of any treatment planning is to identify why the student is exhibiting truant behaviors and to implement early and effective interventions so that the student is able to maintain attendance, increase school attachment and become engaged in school.
11. Upon entry of an order compelling attendance, the Court, at its discretion, will set the matter for review(s). The case may be closed at any time at the Court's discretion or once the child has demonstrated good attendance, improved behavior and academic improvement.

ENFORCEMENT PROCEEDINGS CONTEMPT CITATIONS

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. **Only a licensed attorney may file said Motion. A school district must appear with and be represented by an attorney on a contempt matter.**

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 an ankle monitor, community service, residential work crew, fine, 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 to the law concerning notice and advisement of rights.
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 unless service is waived. The Court, in its discretion, may permit filing and service of the Citation in open Court.
8. The Court requires that returns of service or waiver 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. If that is not obtained, then the parties must appear. The Petitioner cannot excuse the Respondent's appearance without the permission of the Court.
10. At the court appearance, the Court will advise the Respondents of their rights. The Court will expect that the Respondents will enter a denial or admission of the Contempt Advisement.
11. If the Contempt is denied, 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 in contempt of Court 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 Written Report be prepared for every Hearing where any type of enforcement may occur and that it be presented to the Court upon request. See C.R. Juvenile Procedure 3.8 (attached).
13. If the School District seeks an Order for Detention, it is to provide a formal Written Report to the Court detailing the Juvenile Remedial Attendance Plan and those sanctions attempted before detention is sought.
14. The Court will review any sentenced 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.

*Joel B. Schaefer
County Court Magistrate, 1st Judicial District
September, 2008*

APPENDIX G – ADAMS COUNTY DISTRICT COURT TRUANCY ACTION PLAN

IN THE DISTRICT COURT IN AND FOR THE
STATE OF COLORADO
COUNTY OF ADAMS

	Juvenile Action No.	Div.
THE PEOPLE OF THE STATE OF COLORADO,)	
)	TRUANCY ACTION PLAN
In the Interest)	
)	
<i>Student name</i>)	
)	
A JUVENILE)	DATE
)	

Parent/ Guardian:

You are now under the jurisdiction of the 17th Judicial District Truancy Court, which will monitor your compliance with the mandatory attendance laws for the State of Colorado. The action plan created here will be presented to the District Court for further orders of the court. If you are non-compliant with these orders as adopted by the court, a contempt citation will be filed and you will be required to address your contempt matter before the Court.

The following participants are present for the creation of this Truancy Action Plan:

PRESENTING CONCERNS

REQUIREMENTS

Student

1. The student is required to attend school every day without any absences.
 - a. The student is also to be on time to school and to all classes, without missing any part of the school day.
 - b. If the student is ill or feels sick, the student must go to school to be examined by the school nurse. If the nurse determines that the student is sick enough to be sent home, the nurse will contact the parent, who may then pick up the student. Such an absence will be excused.

2. If the student is so sick that he/she cannot go to the school, the parent should call the Attendance Office at _____, to notify the school of the absence for that day and the parent must take the student to the doctor for medical treatment. The parent is required to submit a doctor’s note to the school in order to verify that the absence is excused. **Under no circumstances will absences be excused without the proper documentation.**

3. The terms of this stipulation require the student to do his/her best in school in order to get and maintain passing grades. Thus, the student must complete all classroom and homework assignments, and is to turn them in when they are due.
4. The student and parent(s) agree to attend and participate in a truancy workshop.
5. The student agrees to remain in touch with the district or court representative for any and all concerns. The student's representative is _____ at the following telephone number _____.
6. The student understands that a district or court representative will monitor school attendance, grades, and classroom behavior through the following methods:
 - Regular communication with school personnel to include principal, vice principal, attendance liaisons, teachers, and other staff as identified.
 - Regular communication with student, which includes unannounced visits to school and classroom as well as telephone communication.
 - Regular communication with Parent(s) to include telephone communication and meetings as necessary.

INDIVIDUAL PROGRAM REQUIREMENTS
(Student)

7. Individual program requirements include any of the checked boxes. Those items that have not been checked are not currently required, but can be added by the court in the event they become necessary:
 - Daily grade sheets:
 - Administrative check in:
 - Parent/Teacher conference:
 - Remove electronics from bedroom
 - Curfew: home by _____ weeknights _____ weekends
 - Bedtime: by _____ up by _____
 - Tutoring:
 - Special Education Requirements:
 - Individual Counseling:
 - Family Counseling:
 - Psychological Evaluation:
 - Substance Abuse Evaluation and Recommended Treatment:

- Referral for Social Services:
- _____:
- _____:

STANDARD REQUIREMENTS FOR PARENT(S)/GUARDIAN(S)

- 8. The parent/guardian agrees to make all best efforts to ensure the student’s compliance with school attendance and court ordered requirements.
- 9. Parent/guardian agrees to abide by the excused absence policy identified in paragraphs 1 & 2 of this document.
- 10. The parent/guardian agrees to remain in touch with the district or court representative for any and all concerns, to include any changes in address or telephone number. The representative is _____ at the following telephone number _____.
- 11. The parent/guardian is currently located at the following address and phone number: _____
_____.

INDIVIDUAL REQUIREMENTS FOR PARENT(S)/GUARDIAN(S)

- 12. Individual program requirements include any of the checked boxes. Those items that have not been checked are not currently required, but can be added by the court in the event they become necessary:
 - Psychological Evaluation:
 - Individual Counseling:
 - Family Counseling:
 - Substance Abuse Evaluation:
 - Substance Abuse Treatment:
 - Referral for Social Services:
 - _____:
 - _____:

INTERMEDIATE SANCTIONS

- 13. In the event a student has an unexcused absence, the school has the ability to impose the following consequences in lieu of a contempt citation:
 - Community Service:

In school detention:

Weekend work program:

_____:

- I have read and understand the terms and conditions of this action plan.
- I understand that the Truancy Court will review this action plan and will take it into consideration when ordering terms and conditions in this case.

Student Signature Date

Parent/Guardian Date

Parent/Guardian Date

Witnessed this ____ day of _____, 2011:

School District Representative

THIS MATTER, having come before the Court on the Truancy Action Plan, and the Court, having reviewed said Plan and the file, and having been fully advised in the premises,

HEREBY ADOPTS the Truancy Action Plan as ORDERS of the Court:

as written and submitted.

or

with the following modifications:

DONE this ____ day of _____, 2011.

BY THE COURT:

Rev. 3/4/08

District Court Judge/ Magistrate

APPENDIX H – ARAPAHOE’S AMENDED TRUANCY POLICY

<p>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Court, Division A 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Arapahoe County Court, Division B 15400 East 14th Place Aurora, Colorado 80011</p> <p>Douglas County Justice Center, 4000 Justice Way, #2009, Castle Rock, Colorado 80104</p> <p>Elbert County Courthouse, PO Box 232, 751 Ute Street, Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse, PO Box 128, 103 Third Avenue, Hugo, Colorado 80821</p>	<p>•COURT USE ONLY •</p> <hr/>
<p><i>PRESIDING JUVENILE JUDGE ORDER REGARDING AMENDED TRUANCY PROTOCOL</i></p>	

WHEREAS, C.R.S. 22-33-101 et seq sets forth the statutory scheme for truancy matters and

WHEREAS, it is in the best interests of children that they receive a proper education,

NOW THEREFORE, the school districts of Arapahoe, Douglas, Elbert and Lincoln Counties shall follow the attached truancy protocol.

THIS ORDER IS ENTERED, this 1st day of August, 2008.

William Blair Sylvester
Presiding Juvenile/Chief Judge
18th Judicial District

AMENDED TRUANCY PROTOCOL
18th JUDICIAL DISTRICT

August 1, 2008

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. Effective July 1, 2008, the School Attendance Law requires that each child between the ages of 6 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 6 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 and unexcused 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 is between the ages of 6 and 17 years and has four unexcused absences from public school in any one month or ten unexcused absences during any school year. C.R.S. 22-33-107). The plan shall be developed with the goal of assisting the child to stay in school and, when practicable, with the full participation of the child's parent, guardian or legal custodian.

NON-LAWYERS ARE PROHIBITED FROM PRACTICING LAW. NON-LAWYERS SHALL REFRAIN FROM GIVING LEGAL ADVICE, SIGNING COURT PLEADINGS, OR ENGAGING IN ANY OTHER CONDUCT THAT MAY BE INTERPRETED AS THE UNAUTHORIZED PRACTICE OF LAW. PLEASE READ THE ATTACHED INFORMATION CONCERNING THE UNAUTHORIZED PRACTICE OF LAW.

INITIAL JUDICIAL PROCEEDINGS
PETITION TO COMPEL ATTENDANCE

A. Once a school district has determined 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. The deadline for compliance should be established and should 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. **ONLY A LICENSED ATTORNEY IS PERMITTED TO DRAFT, SIGN AND FILE THE PETITION TO COMPEL ATTENDANCE.** (see attached information concerning the prohibition of the unauthorized practice of law)

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 five (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 through the clerk in Division 304 for settings. A case number will be assigned to each case. Information concerning this process may be obtained by the clerk in Division 304 or on the court's website at: www.courts.state.co.us.
4. **Proof of service of the petition must be provided to the court before any orders will enter regardless of whether the parties appear. Service must be accomplished as follows:**

*You shall complete personal service on the other party with a copy of the Petition/Summons per rule 4(e) of the Colorado Rules of Civil Procedure as outlined below: Take a copy of the Petition and summons and any other documents to the sheriff, a private process server, or

someone you know who is 18 years or older, who is not a party to the case, and who knows the rules of service to serve the Respondent(s).

*Be sure to direct the sheriff, private process server, or person serving the documents to return the original and copy of the Affidavit/Certificate of Service to you.

* Remember to bring the **original** to Court on the day of your hearing.

5. If a school district decides to have a non-attorney employee represent them on a Petition to Compel School Attendance, the district must designate one person to represent the district in court. In addition, each school is required to send an individual who is familiar with the student and his/her family (case manager, truancy specialist etc.) to every court hearing/review to provide information concerning what truancy interventions have/have not been implemented and/or have/not been effective. **The school district shall prepare and submit an updated and written report regarding the juvenile's attendance, behavior, and grades to the court at every hearing/appearance/status conference. The report shall include all relevant information concerning the child's family/caregiver/guardian(s), including addresses, date(s) of birth and contact information.** (A sample report to the court is attached). The submission by the school of a written report authored by a representative of another agency (including the Department of Social Services and the Detention Alternative Program/SB-94) or an affidavit of attendance alone will not be deemed a satisfaction of this requirement. The school district may, as part of its written report to the court, attach or reference reports completed by other agencies for the court's consideration.
6. Each parent/custodian/guardian and child (if age appropriate) shall be provided with a copy of the advisement form and will have read it 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 form advisement 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 are available and shall be provided as necessary. (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 school district to prove the allegations of the petition to compel school attendance by a preponderance of the evidence (more likely than not).
8. The districts are encouraged 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 requires that the agreement be in writing and signed by all parties and presented to the Court 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 shall establish treatment plans for the court's consideration and shall provide regular written updates to the court. Each school district shall maintain an updated list of resources available for at risk students/families. The purpose of any treatment plan is to identify why the student is exhibiting truant behaviors and to implement early and effective interventions so that the student is able to maintain attendance, increase school attachment and become engaged in school.
12. Upon entry of an order compelling attendance, the Court, at its discretion, will set the matter for review(s). The case may be closed, at any time at the Court's discretion or once the child has demonstrated good attendance, improved behavior and academic improvement.

ENFORCEMENT PROCEEDINGS CONTEMPT CITATIONS

If the child or Respondents have failed and/or refused to comply with the order of the court compelling attendance, enforcement will be by a contempt citation. **Only a licensed attorney may file said motion. A school district must appear with and be represented by an attorney on a contempt matter.**

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 or both. Sanctions may include the ankle monitor, community service or 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 to the law concerning 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 unless service is waived. The court, in its discretion, may permit filing and service of the citation in open court.

8. The court requires that returns of service or waiver be filed at the time of the date set for hearing.
9. If the Petitioner desires to dismiss the citation, Petitioner must file a written motion unless done in open court. It is within the discretion of the Court, not the parties, whether the motion to dismiss is granted. If permission is not granted, then the parties must appear. The Petitioner cannot excuse the child's or Respondents' appearances without the permission of the Court.
10. At the advisement hearing on the contempt citation, the court will advise the child and the Respondents of their rights. The Court will expect that the child and Respondents either admit or deny the allegations of the contempt citation at the advisement hearing on the citation.
11. If the child or Respondents deny the allegations of the contempt citation, the Court will set the matter for a contested hearing. At the contempt hearing, the school district will have the burden to prove the allegations of any punitive contempt citation by proof beyond a reasonable doubt, and the allegations of any remedial contempt citation by a preponderance of the evidence.
12. If the party is determined to be guilty either after hearing or by admission, 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 that it be presented to the court upon request. 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. Until the Valid Court Order is entered by the Court, the school district is required to have a proposed VCO Order available for the Court to sign at each hearing. The Court requires that a written report regarding the student and parent(s) be submitted at every hearing/review/appearance. (Sample attached.)
14. If the court sentences the child 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.

Rebecca S. Moss

District Court Magistrate, 18th Judicial District, August, 2008

** The attachments for this document were not included in the report. If you wish to view the attachments, please access the full truancy protocol document at:*

http://www.courts.state.co.us/userfiles/File/Administration/Executive/JP3/Truancy/TRUANCY_PROTOCOL_AMENDED_8_1_08_2.doc

ENDNOTES

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- ¹ Colorado Department of Education. (January 2011). Expelled and At-Risk Student Services Grant: Evaluation Report to the Colorado Legislature for Grant Award Period July 1, 2009 to June 30, 2010. Retrieved from http://www.cde.state.co.us/cdeprevention/download/pdf/EARSS_2009_10_EvalReport_2.pdf.
- ² Colorado Revised Statute § 22-33-104 (2010).
- ³ Colorado Revised Statute § 22-33-107 (2010).
- ⁴ Colorado Revised Statute § 22-33-108 (2010).
- ⁵ Colorado Rules of Civil Procedure 107.
- ⁶ Colorado Department of Education, Data Services
- ⁷ Jefferson County Public Schools Student Outreach Office. (October 2008). *Attendance Procedures (simplified)*. Retrieved from <http://sc.jeffco.k12.co.us/education/components/scrapbook/default.php?sectiondetailid=153611&>
- ⁸ Prepared for Office of Juvenile Justice and Delinquency Prevention by National Center for School Engagement. (January 2007). *Truancy Case, Management Handbook: Advice from the Field*. Retrieved from <http://www.schoolengagement.org/TruancyPreventionRegistry/Admin/Resources/Resources/TruancyCaseManagementHandbookAdvicefromtheField.pdf>.
- ⁹ Prepared for Office of Juvenile Justice and Delinquency Prevention by National Center for School Engagement. (January 2007). *Truancy Case, Management Handbook: Advice from the Field*. Page 8 retrieved from <http://www.schoolengagement.org/TruancyPreventionRegistry/Admin/Resources/Resources/TruancyCaseManagementHandbookAdvicefromtheField.pdf>.
- ¹⁰ United States Department of Justice, Office of Justice Programs. (2011). *What are Problem Solving Courts?* Retrieved from <http://www.ojp.usdoj.gov/BJA/evaluation/program-adjudication/problem-solving-courts.htm>.
- ¹¹ Porter, Rachel; Rempel, Michael; and Mansky, Adam. (February 2010). *What Makes a Court-Problem Solving? Universal Performance Indicators for Problem-Solving Justice*.
- ¹² See United States Department of Justice, Supra.
- ¹³ See United States Department of Justice, Supra.