



20TH JUDICIAL DISTRICT OF COLORADO
ADMINISTRATIVE ORDER 16-103

SUBJECT: Twentieth Judicial District Truancy Improvement Project

To: All Judicial Officers, District Administrator, Clerk of Court, Court Staff, Boulder County Bar Association

From: Maria E. Berkenkotter
Chief Judge, 20th Judicial District

DATE: July 27, 2016

Twentieth Judicial District Administrative Order 16-101 details the extensive efforts undertaken by the District and a large group of community stakeholders before and in connection with the requirements of Senate Bill 15-184, in order to reduce the use of detention as a sanction in truancy cases, and implement best practices for Boulder County families. Stakeholders involved in these efforts included Boulder Valley School District, St. Vrain Valley School District, Voices for Children/CASA, IMPACT, the Boulder County Department of Housing and Human Services, Guardians Ad Litem/attorneys, Mental Health Partners, Boulder County Attorney's Office, Criminal Justice Services, BEST, Twentieth Judicial District Probation, Workforce Boulder County, law enforcement, and community agencies.

After considering the research gathered and other work of the Stakeholder Working Group into best practices to reduce detention in truancy cases, the Twentieth Judicial District hereby adopts the Truancy Improvement Program ("TIP"), which shall apply to all Truancy case filings, effective August 1, 2016:

The Truancy Improvement Program

TIP is a diversion program that is intended to supplement the diversion and mediation programs already in use in the Districts. It will use resource teams similar to the MacArthur Foundation award-winning truancy reduction program adopted in Clark County, Washington. The program is intended to reduce the use of detention, better identify and match services to truant youth and family needs, create better opportunities to share information about truant youth and understand their needs through a Community Review Team (CRT)-type process, called the Truancy Review Team ("TRT"). TIP is also intended to reduce the amount of time truant youth and their families spend in court (thus taking students away from school, families away from work, and normalizing court appearances for truant youth), and to reduce the amount of time that the School Districts and professionals spend in truancy court as well.

Application to New Truancy Cases

Effective August 1, 2016, all new truancy cases shall be initiated as follows:

1. School Districts shall initiate all new truancy cases using the Petition Regarding Truancy (the "Petition") attached as Attachment A hereto.
2. Along with the Petition, the School Districts shall file a Motion for Diversion or Mediation, along with a form Order for Diversion or Mediation. The Court will then grant the Motion for Diversion or Mediation, unless an objection is filed within fourteen days. If Diversion or Mediation is successful, the District shall file a Motion to Dismiss the Petition which will be granted as a matter of course. If Diversion or Mediation is ultimately unsuccessful, the District shall file a Motion to Stay Truancy Proceedings Pending Intervention, along with a proposed form Order, attached as Attachment B hereto.
3. Students and families shall again be advised of their rights in the Motion to Stay Truancy Proceedings Pending Intervention and shall have the right to file an objection within fourteen days of the filing of the Petition. If no objection is filed, the Court will grant the Motion to Stay Truancy Proceedings, subject to the limitations otherwise described herein.
4. The School District, DHHS, CASA and/or a GAL may file a written request for appointment of GAL and/or a CASA at any time in the proceedings. The Court will grant such requests as a matter of course.

Application to Legacy Truancy Cases

Effective August 1, 2016, all Legacy Truancy Cases shall be handled as follows:

5. Legacy Truancy Cases are defined as truancy cases filed before June 30, 2016. Legacy Truancy Cases may be included in TIP, so that truants and their families can benefit from the program. With respect to any Legacy Truancy Case that a School District wishes to keep open after August 1, 2016, the School District shall file a Motion to Stay Truancy Proceedings Pending Intervention (Legacy Cases), attached as Attachment C hereto, by October 1, 2016.
6. Along with the Motion, the School Districts shall file a proposed Order to Stay Truancy Proceedings Pending Intervention, attached as Attachment C hereto.
7. Students and families shall be advised of their rights in the Motion and shall have the right to file an objection within fourteen days. If no objection is filed, the Court will grant the Motion to Stay Truancy Proceedings, subject to the limitations otherwise described herein.
8. The School District, DHHS, CASA and/or a GAL may file a written request for appointment of GAL and/or a CASA at any time in the proceedings. The Court will grant such requests as a matter of course.

Truancy Improvement Project

9. Truants and their families may face a number of challenges that contribute to truancy, including:

- (A) Students who have a combination of truancy, juvenile delinquency and/or dependency and neglect cases pending at the same time;
- (B) Students struggling with substance abuse issues;
- (C) Parents struggling with substance abuse issues;
- (D) Students struggling with mental health issues;
- (E) Parents struggling with mental health issues;
- (F) The lack of family resources to assist with transportation;
- (G) Child care for students who are parents themselves;
- (H) Students feeling that they are too far behind in their studies for their attendance to enable them to catch up;
- (I) Lack of parent reinforcement of the importance of education; and/or
- (J) Lack of funding for community-based programs to assist truant students and their families.

TIP will attempt to develop a more in depth understanding of any of these circumstances that may be contributing to truant behavior and to connect truant youth and their families to services that appropriately meet their needs.

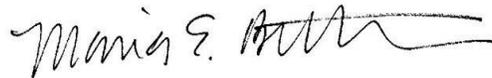
10. TIP will include various components, meant to identify the needs of the students and families and provide referrals to necessary services. One such resource will be a Truancy Review Team (“TRT”). The TRT shall, initially be coordinated by Boulder County IMPACT, a partnership of 11 non- profit and government agencies serving the needs of youth and families who are involved with juvenile justice, child welfare and/or mental health agencies. The constituent members of the TRT will vary based on the needs of the student and family subject to the Petition, but the Court anticipates that professional members would typically include: School District attendance officers, CASAs, GALs, BCHHS caseworkers, and/or MHP therapists.

11. The School Districts, students/families/Guardians at Litem (“GALs”) may file written motions with the Court for additional orders as may be appropriate and the Court will rule after the other party has been given 14 days to respond. The School Districts may file a Request to Set students/families to appear in Division 13 for a hearing with the District Judge as set forth below. If/when the Court sets the matter for hearing, the Court will issue a Notice of Hearing to all the parties. Failure to appear at such a hearing may result in a bench warrant for the student/families’ arrest.

12. In-court hearings shall be heard on the second Tuesday of each month between October and May each year. It is anticipated that the TRT schedule will be as follows: The first, third, fourth and (as applicable) fifth Tuesday of each month from 1:30 PM to 4:30 PM beginning on the first Tuesday after Labor Day through the fourth Tuesday in May. The School Districts will notify the families of the TRT and coordinate the TRT with IMPACT and other stakeholders. A major goal of TIP is to reduce the number of in- court appearances for truants and their families, as well as for the School Districts and professionals, and School Districts shall only ask to set hearings if other avenues have been exhausted. TRT

sessions and individual meetings with students/families shall be scheduled by the School Districts on Tuesdays from 1:30 PM to 4:30 PM.

13. The School Districts and TIP shall keep records of all cases and compile statistical data in order to assess performance. The recordkeeping shall initially be managed by IMPACT and shall be compiled in accordance with best practices. This data will include results of the screener, assessment and TRT results. The ongoing data management needs will be assessed and can be reassigned to a partner agency. These will be provided to the Court annually by July 1 and interim reports upon request of the Court. The School Districts shall submit a case status to the Court for each Petition once a year by May 31, or more frequently as may be appropriate. The Court will close all cases in which no status report has been filed.



Hon. Maria E. Berkenkotter
Chief Judge
Twentieth Judicial District

District Court, Boulder County, State of Colorado 1777 6 th Street, Boulder, Colorado 80306 (303) 441-3748		▲ COURT USE ONLY ▲
Petitioner: <input type="checkbox"/> Boulder Valley School District <input type="checkbox"/> St. Vrain Valley School District vs. Respondent(s): <hr/> Student <hr/> Parent(s)		
Attorney or Party Without Attorney (name and address) Phone Number: _____ E-Mail: _____ FAX Number: _____ Attorney Registration: _____		
PETITION REGARDING TRUANCY		

The petitioner, Boulder Valley School District St. Vrain Valley School District, requests that this court assume jurisdiction over the truancy of the student parent(s) and issue an order compelling school attendance and such other relief under CRS § 22-23-101 et. seq. as the court may order.

Pursuant to the Colorado School Attendance Act of 1963 this petition has been filed upon the student's:
 fourth unexcused absence within one month.
 tenth unexcused absence within the school year.

I. Identification of the Respondents

1.1 Identification of the student:

Name	
Date of Birth	
Sex	
Race/Ethnicity	
Mailing Address	
Fluent in English?	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language?
Individual Education Program (IEP)?	<input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, what program?
Current Academic Status	

1.2 Identification of mother/legal guardian:

Name	
Mailing Address	
Fluent in English?	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language?

Custodial Non-Custodial

1.3 Identification of father/legal guardian:

Name	
Mailing Address	
Fluent in English?	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language?

Custodial Non-Custodial

1.4 The student has had the following unexcused absences during the current school year:

School attending:	
Date school year begins and ends:	Student's grade:
Number of credits earned:	Number of unexcused absences:
Dates of unexcused absences:	

Copies of the attendance reports are attached.

II. Basis

2.1 The respondent student resides within the _____ School District, has attained the age of six years and is under the age of seventeen years, and is subject to the requirements of the Colorado School Attendance Act of 1963. Respondent student has failed to attend _____ School, the designated attendance center, according to the requirements of § 22-33-104, C.R.S. Further, Respondent parent(s) have failed to ensure that Respondent student has attended the school in which he/she is enrolled in compliance with § 22-33-104(5), C.R.S.

2.2 Respondents are being given notice as required by § 22-33-108(5), C.R.S. and the Diversion hearing date of _____ is more than five days from the date of this Petition. The school district has informed the respondents of the requirements of the Colorado School Attendance Act of 1963 and of the potential consequences to each respondent of non-compliance with the law.

2.3 The school district has taken the following actions to eliminate or reduce the child's absences from school:

Informed the parent(s)/guardian that the student has been absent without excuse.
 in writing on: _____
 by phone: _____

Scheduled a conference with the student and parent(s)/guardian after a second absence without excuse. The conference was scheduled for _____ (date). The result of the conference was: _____

Student failed to attend.

Parent(s)/guardian failed to attend.

Further, the school district has undertaken the following actions to eliminate or reduce the student's absences:

- | | |
|--|---|
| <input type="checkbox"/> adjusted schedule | <input type="checkbox"/> provided tutoring |
| <input type="checkbox"/> adjusted student's program | <input type="checkbox"/> offered special school district programs: |
| <input type="checkbox"/> course changes | <input type="checkbox"/> alternative school placement |
| <input type="checkbox"/> vocational classes | <input type="checkbox"/> retention & retrieval programs |
| <input type="checkbox"/> work experience | <input type="checkbox"/> counseling |
| <input type="checkbox"/> arranged transportation changes | <input type="checkbox"/> other |
| <input type="checkbox"/> ESL evaluation and assessment undertaken | <input type="checkbox"/> provided individualized remedial instruction |
| <input type="checkbox"/> arranged for morning calls | <input type="checkbox"/> conducted home visits or conference |
| <input type="checkbox"/> referred the student to a community truancy board (please attach a narrative statement on actions taken by truancy board) | <input type="checkbox"/> contacted the student's probation officer (name of p.o.) _____ |
| <input type="checkbox"/> made a special education referral (Focus of Concern): | <input type="checkbox"/> contacted local police department |
| <input type="checkbox"/> testing completed | |
| <input type="checkbox"/> held Multi-Disciplinary Team Meeting | |
| <input type="checkbox"/> Other: _____ | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |

Did the school district enter into an agreement with the student and parent(s) that establishes school attendance requirements? no yes, attached is a copy of the agreement.

2.4 The above-described actions have not been successful in substantially reducing the respondent student's unexcused absences from school and court intervention is necessary to assist the school district in reducing the student's unexcused absences from school.

2.5 The following circumstances and behavior of the student demonstrate that testing for use of controlled substances or alcohol would help the student's compliance with the mandatory attendance law: _____

2.6 Other juvenile court matters involving the student known to the school district:

- "At-Risk-Youth" petition (cause number):
- "Child In Need of Services" petition (cause number):
- Juvenile Offenses (cause numbers):
- Dependency (cause number):

2.7 Based upon the foregoing, the school district alleges that:

- The respondent student is in violation of the Colorado School Attendance Act of 1963 in that he/she has at least four unexcused absences within one month or ten unexcused absences during the current school year.
- The respondent parent(s)/guardian(s) is/are in violation of the Colorado School

Attendance Act of 1963 in that he/she has/have not exercised reasonable diligence in causing the respondent student to regularly attend school.

- Further opportunity to intervene with the respondents may result in successfully addressing the respondent student's truant behavior.
- Other: _____

III. RELIEF

3.1 The school district requests that the court stay the truancy proceeding related to this petition and order the respondent student and parents to participate in a Diversion hearing, set for _____, at _____. In the event Diversion is unsuccessful, student and parents may be ordered to the Truancy Improvement Project, including the Truancy Review Team, court if good cause is shown, and/or other proceedings as coordinated by the school district.

By: _____
Attorneys for Petitioner

IV. DECLARATION

4.1 I, _____ am employed as a _____ by the
 Boulder Valley School District St. Vrain Valley School District. I declare under penalty of perjury under the laws of the state of Colorado that the above information is true and accurate and the School District has complied with the statutory requirements of Colorado School Attendance Act of 1963.

I further declare under penalty of perjury under the laws of the state of Colorado that I am a custodian of or supervisor over the attendance records of this student. That these records are kept in the ordinary course of the business of said school and school district, are records that are made near or at the time of the taking of attendance and are relied on by the school and school district for all purposes relating to attendance and truancy.

Signed on _____ at _____, Colorado.

Signature

Print Name

Attached to and incorporated by reference to this petition are the following:

- Attendance Records
- Copies of all letters sent to parents/guardians
- Witness list for hearing
- Judicial Communique
- Student's School Registration Form(s)
- Notices of suspension

V. RIGHTS OF STUDENT AND RESPONDENTS

The student and Respondent(s) are advised that they have the following rights. **IF YOU WISH TO ASSERT ANY OF THESE RIGHTS PRIOR TO DIVERSION YOU MUST FILE A WRITTEN REQUEST TO THE COURT WITHIN TWENTY-ONE DAYS.**

- A. You have the right to admit or deny the allegations in the Petition to Compel Attendance (the "Petition");
- B. You have the right to require the school district to prove the allegations of the petition to compel school attendance preponderance of the evidence;
- C. You have the right to have the allegations of any future punitive contempt citation brought against you to be proven by proof beyond a reasonable doubt, and the allegations of any future remedial contempt citation brought against you to be proven by a preponderance of the evidence (more likely than not);
- D. You have the right to present evidence and witnesses to challenge the Petition;
- E. You have the right to cross examine all adverse witnesses;
- F. You have the right to have subpoenas issued to compel attendance of witnesses at a hearing on the Petition;
- G. You have the right to testify at a hearing on the Petition to Compel School Attendance;
- H. You have the right to appeal any decision from the Petition to Compel Attendance. If the matter is heard by a Magistrate, you have the right to appeal the Magistrate's order to the District Court Judge within fifteen (15) after you are provided notice of the Magistrate's findings and orders;
- I. If you are later found to be in contempt of court, you have the right to make a statement at the contempt sentencing hearing.

If you do not object to the Petition within twenty-one days, the Petition becomes a Valid Court Order ("VCO") compelling the child to attend school, for the Respondent parent(s) or guardian(s) to take reasonable steps to ensure such attendance and for the family to attend the TRT process. Since a VCO is in effect, if a contempt citation is issued and you are found guilty on a punitive contempt citation, the Court may impose a fine or imprisonment or both if the court expressly finds that:

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

District Court, Boulder County, State of Colorado 1777 6 th Street, Boulder, Colorado 80306 (303) 441-3748		▲ COURT USE ONLY ▲	
Petitioner: <input type="checkbox"/> Boulder Valley School District <input type="checkbox"/> St. Vrain Valley School District vs. Respondent(s): _____ Student _____ Parent(s) _____			
Attorney or Party Without Attorney (name and address)			Case Number:
Phone Number: FAX Number:	E-Mail: Attorney Registration:		Division: 13 Courtroom: P
MOTION AND ORDER TO STAY TRUANCY PROCEEDINGS PENDING INTERVENTION			

I. MOTION

A truancy petition was filed by Boulder Valley School District St. Vrain Valley School District on _____(date), pursuant to the requirements of CRS § 22-23-101 against the above-named student and/or parent(s)/guardian(s). The petitioner moves the court to stay the truancy proceedings related to this petition to allow the school district an opportunity to intervene with the student and/or his/her parent(s)/guardian(s) to address the truant behavior.

II. DECLARATION

I, _____, declare under penalty of perjury under the laws of the state of Colorado: That I am employed by Boulder Valley School District St. Vrain Valley School District as _____. Boulder Valley School District St. Vrain Valley School District represents that the conduct of the above-named student and/or his/her parents identified in the Petition for Truancy filed _____ is continuing notwithstanding the previously ordered Diversion/Mediation. The District asks to schedule a Status Conference to address continuing the Diversion with a referral to the Truancy Improvement Project. I believe that the above actions, including the Truancy Review Team with the student and/or his/her parent(s)/guardian(s) may result in successfully addressing the truant behavior.

Signed on _____ at _____, Colorado

Signature

Address

Print name

III. FINDINGS

The petitioning school district has shown good cause for the stay of truancy proceedings pending these additional intervention efforts.

IV. ORDER

The court has considered the motion and declaration of the petitioner school district including the truancy petition and attached documents, if any, and therefore:

The motion to stay the truancy proceedings is GRANTED. The Court hereby orders the students and families to attend a Status Conference on _____ at _____, and thereafter attend all scheduled meetings, participate in TIP as directed, including Truancy Review Team sessions as necessary. The Court's previous order compelling the child to attend school, and for the Respondent parent(s) or guardian(s) to take reasonable steps to ensure such attendance remains in effect. The school district shall file with the court a written progress report within ninety days. The report must include the following: 1) the specific interventions undertaken by the school district; 2) the outcome of the interventions; 3) a complete attendance report; and 4) a request to dismiss or administratively close the case, a request to continue the stay in the case so the district can continue to monitor the matter, a request that the matter continue with the Truancy Improvement Project, a request for a hearing if good cause exists, or such other relief as the court may grant. If a report is not filed within ninety days, the court will dismiss the petition.

Notice of this order shall be provided by the petitioner to respondents.

Dated: _____

DISTRICT JUDGE

RIGHTS OF STUDENT AND RESPONDENTS

The student and Respondent(s) are advised that they have the following rights. **IF YOU WISH TO ASSERT ANY OF THESE RIGHTS PRIOR TO CONTINUATION OF DIVERSION YOU MUST FILE A WRITTEN REQUEST TO THE COURT WITHIN TWENTY-ONE DAYS.**

- A. You have the right to admit or deny the allegations in the above Motion;
- B. You have the right to require the school district to prove the allegations of the Motion by a preponderance of the evidence;
- C. You have the right to have the allegations of any future punitive contempt citation brought against you to be proven by proof beyond a reasonable doubt, and the allegations of any future remedial contempt citation brought against you to be proven by a preponderance of the evidence (more likely than not);
- D. You have the right to present evidence and witnesses to challenge the Motion;
- E. You have the right to cross examine all adverse witnesses;
- F. You have the right to have subpoenas issued to compel attendance of witnesses at a hearing on the Motion;
- G. You have the right to testify at a hearing on the Motion;
- H. You have the right to appeal any decision from the Motion. If the matter is heard by a Magistrate, you have the right to appeal the Magistrate's order to the District Court Judge within fifteen (15) after you are provided notice of the Magistrate's findings and orders;
- I. If you are later found to be in contempt of court, you have the right to make a statement at the contempt sentencing hearing.

If you do not object to the Motion within twenty-one days, the Motion and Order shall become a Valid Court Order ("VCO") compelling the child to attend school, for the Respondent parent(s) or guardian(s) to take reasonable steps to ensure such attendance and for the family to attend the TIP process, including the Truancy Review Team process. Since a VCO is in effect, if a contempt citation is issued and you are found guilty on a punitive contempt citation, the Court may impose a fine or imprisonment or both if the court expressly finds that:

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

District Court, Boulder County, State of Colorado 1777 6 th Street, Boulder, Colorado 80306 (303) 441-3748		▲ COURT USE ONLY ▲
Petitioner: <input type="checkbox"/> Boulder Valley School District <input type="checkbox"/> St. Vrain Valley School District vs. Respondent(s): _____ Student _____ Parent(s) _____		
Attorney or Party Without Attorney (name and address) Phone Number: _____ E-Mail: _____ FAX Number: _____ Attorney Registration: _____		
MOTION TO RETAIN ON DOCKET AND ORDER TO STAY PROCEEDINGS PENDING INTERVENTION (LEGACY CASES)		

I. MOTION

A truancy petition was filed by Boulder Valley School District St. Vrain Valley School District on _____ (date), pursuant to the requirements of CRS § 22-23-101 against the above-named student and/or parent(s)/guardian(s). The petition was assigned JD Case No. _____. The petitioner moves the court to retain the case on the truancy docket and stay the truancy proceedings related to this petition to allow the school district an opportunity to intervene with the student and/or his/her parent(s)/guardian(s) to address the truant behavior.

II. DECLARATION

I, _____, declare under penalty of perjury under the laws of the state of Colorado: That I am employed by Boulder Valley School District St. Vrain Valley School District as _____. Boulder Valley School District St. Vrain Valley School District may ask the Court to: stay the proceeding to allow the District to continue to monitor the matter; to dismiss or administratively close the proceeding; to set a Diversion Hearing for good cause shown, or to refer the matter to the Truancy Improvement Project, including requesting an assessment by the Truancy Review Team with the above-named student and/or parent(s)/guardian(s). I believe that the above actions, including the Truancy Review Team with the student and/or his/her parent(s)/guardian(s) may result in successfully addressing the truant behavior.

Signed on _____ at _____, Colorado

Signature

Address

Print name

III. FINDINGS

The petitioning school district has shown good cause for the stay of legacy truancy proceedings pending intervention efforts.

IV. ORDER

The court has considered the motion and declaration of the petitioner school district including the truancy petition and attached documents, if any, and therefore:

The motion to stay the truancy proceedings is GRANTED. The Court hereby orders the students and families to attend all scheduled meetings and Truancy Review Team sessions as necessary. The school district shall file with the court a written progress report within ninety days. The report must include the following: 1) the specific interventions undertaken by the school district; 2) the outcome of the interventions; 3) a complete attendance report; and 4) a request to dismiss or administratively close the case, a request to stay the case so the District can continue to monitor the matter, a request for a referral to the Truancy Improvement Project, including assessment by the Truancy Review Team, a request for a hearing if good cause exists, or such other relief as the court may grant. If a report is not filed within ninety days, the court will dismiss the petition.

Notice of this order shall be provided by the petitioner to respondents.

Dated: _____

DISTRICT JUDGE