



**20TH JUDICIAL DISTRICT OF COLORADO
ADMINISTRATIVE ORDER 16-101**

SUBJECT: Twentieth Judicial District Truancy Improvement Policy

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

**From: Ingrid S. Bakke
Chief Judge, 20th Judicial District**

DATE: May 4, 2018

This order replaces 20th Judicial District Administrative Order 16-101 dated February 22, 2016.

The Twentieth Judicial District ("District") remains committed to the principles set forth in Senate Bill 15-184 and to addressing truancy while reducing the use of detention. Twentieth Judicial District Administrative Orders 16-101 and 16-103 detail the District's Truancy Improvement Project ("TIP"), implemented by the District as of August 1, 2016.

In February 2016, Administrative Order 16-101 was published, detailing the District's implementation of Senate Bill 15-184 requirements. Five months later, Administrative Order 16-103 was issued, providing an update on the actions implemented by the District. The TIP was adopted by the District and applies to all truancy case filings, effective August 1, 2016.

Various adjustments were made to the TIP during its first year in existence within the District, as detailed in the following Order. The District continues to stress the utmost importance of education and the numerous outstanding public educational resources to which youth in Boulder County have access. The District remains committed to working with community stakeholders to creatively and effectively reduce truancy.

Application to New Truancy Cases:

Effective as of this order, all new truancy cases shall be initiated as follows:

1. School districts shall initiate all new truancy cases using the Petition Regarding Truancy ("Petition"): Attachment A1 (St. Vrain Valley School District) and Attachment A2 (Boulder Valley School District).
2. Students and families shall be advised of their rights and shall participate in truancy interventions, which may include an assessment and a Truancy Review Team ("TRT") meeting.
3. The school districts, Department of Housing & Human Services ("DHHS"), Court Appointed Special Advocates ("CASA"), and/or a guardian ad litem ("GAL") may file a written request for appointment of a GAL (Attachment B) and/or a CASA (Attachment C), or a request for other services and supports at any time in the proceedings. The Court will generally grant such requests as a matter of course.
4. The school districts may direct families to participate in a TRT meeting.
5. The school districts may file a Request to Set Hearing (Attachment D) for good cause shown.

Application to Legacy Truancy Cases:

Effective as of this order, all legacy truancy cases shall be handled as follows:

6. Legacy truancy cases are defined as truancy cases filed before June 30, 2016. Legacy truancy cases may be included in the TIP, so that truants and their families can benefit from the program. With respect to any legacy truancy cases that a school district wishes to keep open after August 1, 2016, the school districts should have filed a Motion to Stay Truancy Proceedings Pending Intervention ("Motion") (Attachment E) by October 1, 2016.
7. Along with the Motion, the school districts shall file a proposed Order to Stay Truancy Proceedings Pending Intervention (Attachment E).
8. Students and families shall be advised of their rights in the Motion and shall have the right to file an objection within fourteen (14) days. If no objection is filed the Court will grant the Motion, subject to the limitations otherwise described herein.

9. The school districts, DHHS, CASA and/or a GAL may file a written request for appointment of a GAL and/or a CASA, or referral to other services and supports at any time in the proceedings. The Court will generally grant such request as a matter of course.
10. The school districts may direct families to participate in a TRT process.
11. The school districts may file a Request to Set Hearing for good cause shown.

Truancy Improvement Project:

12. Truant students and their families may face numerous challenges contributing 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. A 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 continue attempting 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.

13. 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 the TRT. The TRT shall initially be coordinated by Boulder County IMPACT, a partnership of 11 non-profits 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, DHHS caseworkers, and/or Mental Health Partners therapists. Families will be notified of the date and time of the TRT.

14. The school districts, students, families and/or GALs may file written motions with the Court for additional orders as may be appropriate. The Court will rule after the other party has been given fourteen (14) days to respond. The school districts may file a Request to Set Student/Families to appear in court for a hearing with the District Judge as set forth below. If the Court sets the matter for a hearing, the school district 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's/family's arrest.
15. Court hearings shall be heard on the Court's regularly scheduled truancy docket. A major goal of TIP is to reduce the number of in-court appearances for truant students and their families, as well as for the school districts and professionals. School districts shall ask to set hearings only if other avenues have been exhausted.
16. The school districts and TIP shall keep records/data of all cases. Interim reports will be made available upon request of the Court. The school districts shall submit a case status Progress Report (Attachment F) to the Court for each Petition annually by September 30th, or more frequently as may be appropriate. The Court will close all cases in which no status report has been filed.



Hon. Ingrid S. Bakke
Chief Judge
Twentieth Judicial District

Attachment A1

District Court, Boulder County, State of Colorado <i>Tribunal de distrito del condado de Boulder, estado de Colorado</i> 1777 6 th Street, Boulder, Colorado 80306 (303) 441-3750	▲ COURT USE ONLY ▲ USO EXCLUSIVO DEL TRIBUNAL
Petitioner: <i>Demandante:</i> St. Vrain Valley School District RE 1-J <i>Distrito escolar de St. Vrain Valley RE 1-J</i> vs. v. Respondent(s): <i>Demandado(s):</i> _____, Student/ <i>Estudiante</i> and / _____, Parent(s) <i>Padres</i>	
Attorney or Party Without Attorney (name and address) <i>Abogado o parte sin abogado (nombre y dirección)</i> Phone Number: / <i>Número de teléfono:</i> E-Mail / <i>Correo electrónico:</i> FAX Number / <i>Número de fax:</i> Attorney Registration: <i>Núm. de matr. prof.</i>	Case Number: <i>Número de causa:</i> Division: 13 Courtroom: R <i>División:</i> <i>Sala:</i>
PETITION REGARDING TRUANCY PETICIÓN REFERENTE AL AUSENTISMO ESCOLAR	

The petitioner, 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.

El demandante, distrito escolar St. Vrain Valley, solicita a este juez que asuma la jurisdicción con respecto al caso de ausentismo escolar del estudiante de los padres y que emita una orden en la que se exija la asistencia escolar, así como cualquier otro remedio judicial contemplado bajo los artículos 22-23-101 y subsiguientes de las Leyes Vigentes de Colorado, según lo ordene el juez.

Pursuant to the Colorado School Attendance Act of 1963 this petition has been filed upon the student's: *De conformidad con la Ley de Asistencia Escolar de Colorado de 1963, se presentó esta petición por las siguientes ausencias injustificadas:*

- fourth unexcused absence within one month.
cuarta ausencia injustificada en un mes
- tenth unexcused absence within the school year.
décima ausencia injustificada en el año escolar.

I. Identification of the Respondents *Identificación de los demandados*

1.1 Identification of the student:
Identificación del estudiante:

Name <i>Nombre</i>	
Date of Birth <i>Fecha de nacimiento</i>	
Sex <i>Sexo</i>	

Race/Ethnicity <i>Raza o etnicidad</i>	
Mailing Address <i>Dirección postal</i>	
Fluent in English? <i>¿Domina el inglés?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language? <i>Sí No. De ser negativo, ¿qué idioma habla?</i>
Individual Education Program (IEP)? <i>¿Tiene un programa individualizado de educación (IEP, por sus siglas en inglés)?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, what program? <i>Sí No. De ser afirmativo, ¿qué programa?</i>
Current Academic Status <i>Estado académico actual</i>	

1.2 Identification of mother/legal guardian:
Identificación de la madre o tutora legal:

Name <i>Nombre</i>	
Mailing Address <i>Dirección postal</i>	
Fluent in English? <i>¿Domina el inglés?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language? <i>Sí No. De ser negativo, ¿qué idioma habla?</i>
<input type="checkbox"/> Custodial <input type="checkbox"/> Non-Custodial <i>Tiene la custodia No tiene la custodia</i>	

1.3 Identification of father/legal guardian:
Identificación del padre o tutor legal:

Name <i>Nombre</i>	
Mailing Address <i>Dirección postal</i>	
Fluent in English? <i>¿Domina el inglés?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language? <i>Sí No. De ser negativo, ¿qué idioma habla?</i>
<input type="checkbox"/> Custodial <input type="checkbox"/> Non-Custodial <i>Tiene la custodia No tiene la custodia</i>	

1.4 The student has had the following unexcused absences during the current school year:
El estudiante ha tenido las siguientes ausencias injustificadas durante el año escolar en curso:

School attending: <i>Escuela a la que asiste:</i>	
Date school year begins and ends: <i>Fecha de inicio y fin del año escolar:</i>	Student's grade: <i>Grado del estudiante:</i>
Number of credits earned: <i>Número de créditos obtenidos:</i>	Number of unexcused absences: <i>Número de ausencias injustificadas:</i>
Dates of unexcused absences: <i>Fechas de ausencias injustificadas:</i>	

Copies of the attendance reports are attached.
Se anexan copias de los informes de asistencia.

**II. Basis
Fundamento**

- 2.1 The respondent student resides within the St. Vrain Valley 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.

El estudiante demandado reside en el distrito escolar de St. Vrain Valley, ha cumplido la edad de seis años y es menor de diecisiete años, y está sujeto a los requisitos indicados en la Ley de Asistencia Escolar de Colorado de 1963. Dicho estudiante no ha asistido a la escuela _____, el centro de asistencia escolar designado de conformidad con el artículo 22-33-104 de las Leyes Vigentes de Colorado. Además, los padres demandados no se han asegurado de que el estudiante demandado asista a la escuela en la que está inscrito a fin de cumplir con el artículo 22-33-104(5) de dichas leyes.

- 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.

Según se exige en el artículo 22-33-108(5) de las Leyes Vigentes de Colorado se le hace notificación a los demandados de la presente y la fecha de audiencia para el programa alternativo del _____ es dentro de más de cinco días contados a partir de la fecha de esta petición. El distrito escolar ha informado a los demandados de los requisitos establecidos en la Ley de Asistencia Escolar de Colorado de 1963, así como de las posibles consecuencias a las que se enfrenta cada demandado de no cumplir con la ley.

- 2.3 The school district has taken the following actions to eliminate or reduce the child's absences from school: *El distrito escolar ha seguido las siguientes acciones para eliminar o disminuir las ausencias escolares del menor:*

Informed the parent(s)/guardian that the student has been absent without excuse.

Le ha informado al padre o tutor legal que el estudiante ha estado ausente sin justificación:

in writing on: _____

por escrito el día:

by phone: _____

por teléfono:

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:

Programó una reunión con el estudiante y el padre o tutor después de la segunda ausencia injustificada. La reunión está programada para el día _____ (fecha). El resultado de la reunión fue:

Student failed to attend.

El estudiante no asistió.

Parent(s)/guardian failed to attend.

El padre o tutor no asistió.

Further, the school district has undertaken the following actions to eliminate or reduce the student's absences: *Además, el distrito escolar ha tomado las siguientes acciones a fin de eliminar o disminuir las ausencias del estudiante:*

- adjusted schedule
modificó el horario
- adjusted student's program
ajustó el programa para el estudiante

- course changes
cambios en cursos
- vocational classes
clases vocacionales
- work experience
experiencia laboral

- provided tutoring
proporcionó tutoría
- offered special school district programs:
ofreció programas especiales del distrito escolar
- alternative school placement
colocación en escuela alternativa
- retention & retrieval programs
programas de retención y recuperación
- counseling
terapia
- other
otro

- arranged transportation changes
programó cambios en el transporte
- ESL evaluation and assessment undertaken
evaluación del inglés como segundo idioma y se completó la colocación en el nivel adecuado
- arranged for morning calls
programó llamadas en la mañana
- referred the student to a community truancy board (please attach a narrative statement on actions taken by truancy board)
derivó al estudiante a la junta comunitaria de ausentismo escolar (anexe un informe sobre las acciones seguidas por la junta)
- made a special education referral (Focus of Concern):
hizo una derivación de educación especial (foco de preocupación)
 - testing completed
se completaron las pruebas
 - held Multi-Disciplinary Team Meeting
se tuvo una reunión con el equipo multidisciplinario
- Other/otro: _____

- provided individualized remedial instruction
proporcionó cursos correctivos individualizados
- conducted home visits or conference
realizó visitas al hogar o reuniones
- contacted the student's probation officer (name of p.o.)
se puso en contacto con el oficial de libertad condicional del estudiante (nombre del oficial)

- contacted local police department
se puso en contacto con el departamento de policía

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.
 ¿Celebró el distrito escolar un contrato con el estudiante y los padres en el que se establecen los requisitos de asistencia escolar? No Sí, anexo se encuentra una copia del contrato.

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.
Las acciones descritas anteriormente no han sido exitosas en disminuir de manera considerable las ausencias injustificadas del estudiante demandado y es necesaria la intervención del tribunal a fin de ayudar al distrito escolar a disminuirlas.

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:
Las circunstancias siguientes y el comportamiento del estudiante demuestran que el hacer pruebas para detectar el consumo de sustancias controladas o alcohol ayudarían a que el estudiante cumpla con la ley de asistencia escolar obligatoria: _____

2.6 Other juvenile court matters involving the student known to the school district:
Otros asuntos del tribunal de menores pertinentes al estudiante de los que tiene conocimiento el distrito escolar son:

- "At-Risk-Youth" petition (case number):
Petición de "menor en riesgo" (número de causa)
- "Child In Need of Services" petition (case number):
Petición de "menor en necesidad de servicios" (número de causa):
- Juvenile Offenses (case numbers):
Delitos cometidos por menores (números de causas):
- Dependency (case number):
Causa de descuido y maltrato (número de causa):

2.7 Based upon the foregoing, the school district alleges that:
En vista de lo anterior, el distrito escolar alega que:

- 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.
El estudiante demandado está en contravención de la Ley de Asistencia Escolar de Colorado de 1963, ya que tiene por lo menos cuatro ausencias injustificadas en un periodo de un mes o diez ausencias injustificadas durante el año escolar en curso.
- 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.
Los padres o tutores demandados están en contravención de la Ley de Asistencia Escolar de Colorado de 1963, ya que no han ejercido diligencia razonable en hacer que el estudiante demandado asista regularmente a la escuela.
- Further opportunity to intervene with the respondents may result in successfully addressing the respondent student's truant behavior.
El proporcionar una oportunidad adicional para intervenir con los demandados podría resultar en que se aborde de manera exitosa el comportamiento del estudiante demandado con problemas de ausentismo escolar.
- Other/otro: _____

III. RELIEF REMEDIO JUDICIAL

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 _____ a.m. to be held at the law offices of Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 515 Kimbark Street, 2nd Floor, Longmont, Colorado 80502. In the event Diversion is unsuccessful, student and parents may be ordered to the Truancy Review Team, court if good cause is shown, and/or other proceedings as coordinated by the school district.

El distrito escolar solicita que el juez postergue el procedimiento de ausentismo escolar relacionado a esta petición y ordene al estudiante y a los padres demandados a que participen en una audiencia para colocación en un programa alternativo, fijada para el día _____, a las _____ a.m. en la oficina de Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 515 Kimbark Street, 2º piso, Longmont, Colorado 80502. En caso de que el programa alternativo no sea exitoso, se le podría ordenar al estudiante y a los padres a que se reúnan con el equipo de revisión de causas de ausentismo escolar, el tribunal si se demuestra motivo fundado y que se celebren otros procedimientos judiciales según lo coordine el distrito escolar.

By/Por: _____
Attorneys for Petitioner
Abogados del demandante

**IV. DECLARATION
DECLARACIÓN**

- 4.1 I, Martha Bustillos am employed as a Court Liason by the 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. Yo, Martha Bustillos, trabajo en calidad de oficial de enlace con el tribunal para el distrito escolar de St. Vrain Valley. Declaro bajo pena de perjurio de conformidad con las leyes del estado de Colorado que la información anterior es verdadera y correcta, y que el distrito escolar ha cumplido con los requisitos establecidos en la Ley de Asistencia Escolar de Colorado de 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.

Además declaro bajo pena de perjurio según las leyes del estado de Colorado que soy el encargado o supervisor de verificar los registros de asistencia escolar de este estudiante. Que estos registros, que se conservan en el curso normal de las operaciones de la escuela y del distrito escolar mencionados, se crean cerca del momento o al momento en que se toma asistencia; y que la escuela y el distrito escolar se basan en los mismos para todo lo relacionado con la asistencia y el ausentismo escolar de los estudiantes.

Signed on _____ at Longmont, Colorado.
Firmado el _____ en Longmont, Colorado

Signature
Firma

Martha Bustillos
Print Name
Nombre con letra de molde

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

Anexados e incorporados a la presente petición se encuentran los siguientes documentos:

- | | |
|---|--|
| <input type="checkbox"/> Attendance Records
<i>Registros de asistencia escolar</i> | <input type="checkbox"/> Student's School Registration Form(s)
<i>Formularios de inscripción escolar del estudiante</i> |
| <input type="checkbox"/> Copies of all letters sent to parents/guardians
<i>Copias de todas las cartas enviadas a padres y tutores</i> | <input type="checkbox"/> Notices of suspension
<i>Notificaciones de suspensión</i> |
| <input type="checkbox"/> Witness list for hearing
<i>Lista de testigos para la audiencia</i> | |
| <input type="checkbox"/> Judicial Communique
<i>Comunicado judicial</i> | |

**V. RIGHTS OF STUDENT AND RESPONDENTS
DERECHOS DEL ESTUDIANTE Y DE LOS DEMANDADOS**

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.**

Al estudiante y a los demandados se les notifica que cuentan con los siguientes derechos. SI DESEA HACER VALER CUALQUIERA DE ESTOS DERECHOS ANTES DE LA AUDIENCIA DEL PROGRAMA ESPECIAL, DEBE PRESENTAR EN EL TRIBUNAL UNA SOLICITUD POR ESCRITO DENTRO DE UN PLAZO DE VEINTIÚN DÍAS.

- a. You have the right to admit or deny the allegations in the Petition to Compel Attendance (the "Petition");
Tiene el derecho a admitir o negar las alegaciones de la Petición para exigir la asistencia escolar (la "petición");
- b. You have the right to require the school district to prove the allegations of the petition to compel school attendance by a preponderance of the evidence;
Tiene el derecho a exigir que el distrito escolar pruebe las alegaciones de la Petición para exigir la asistencia escolar, por la preponderancia de las pruebas;
- 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);
Tiene el derecho a que se prueben las alegaciones de cualquier citación por desacato con imposición de medidas punitivas en el futuro presentado en su contra, más allá de duda razonable, y a que se prueben, las alegaciones

- de cualquier citación por desacato con imposición de medidas correctivas en el futuro presentado en su contra, por la preponderancia de las pruebas (más probable que no);*
- d. You have the right to present evidence and witnesses to challenge the Petition;
Tiene el derecho a presentar pruebas y testigos para refutar la petición;
 - e. You have the right to cross examine all adverse witnesses;
Tiene el derecho a contrainterrogar a todo testigo adverso;
 - f. You have the right to have subpoenas issued to compel attendance of witnesses at a hearing on the Petition;
Tiene el derecho a que se expidan citatorios judiciales para obligar a los testigos a comparecer a la audiencia por la petición en cuestión;
 - g. You have the right to testify at a hearing on the Petition to Compel School Attendance;
Tiene el derecho a testificar en una audiencia sobre la Petición para exigir la asistencia escolar;
 - 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;
Tiene el derecho a apelar cualquier fallo de la Petición para exigir la asistencia escolar. Si la causa la ventila un juez de instrucción, tiene el derecho a apelar la orden judicial del mismo ante el juez del tribunal de distrito dentro de quince (15) días después de que se le proporcione la notificación respecto a los hallazgos y órdenes judiciales del juez de instrucción.
 - 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.
Si más adelante se le halla en desacato del tribunal, tiene el derecho a hacer una declaración en la audiencia condenatoria por desacato.

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 TRB 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:

Si no presenta una objeción ante la petición dentro de un periodo de veintiún días, la petición se convierte en una Orden judicial válida ("VCO", por sus siglas en inglés), en la que se exige que el menor asista a la escuela y que los padres o tutores demandados del menor den pasos razonables para asegurar dicha asistencia y que la familia asista al proceso TRB. Debido a que entra en vigencia dicha orden, si se expide una citación por desacato y si se le encuentra culpable de una citación punitiva por desacato, el juez podrá imponerle una multa o reclusión, o ambas cosas, si determina expresamente que:

- A. the Respondent(s) was subject to a Valid Court Order;
los demandados estaban supeditados a una orden judicial válida;
- B. the Respondent(s) had the ability (in the past) to obey the order;
los demandados habrían podido (anteriormente) obedecer la orden;
- C. the Respondent(s) willfully failed or refused to obey the order; and
los demandados deliberadamente desataron o se negaron a obedecer la orden; y
- D. the Respondent(s) conduct was offensive to the authority and dignity of the court.
la conducta de los demandados ofendió la autoridad y dignidad del juez.

Attachment A2

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 – 6 th Street, Boulder, CO 80306 (303) 441-3748	▲ COURT USE ONLY ▲
Petitioner: BOULDER VALLEY SCHOOL DISTRICT vs. Respondent(s): Click or tap here to enter text. Student Click or tap here to enter text. Parent(s)	
Attorney or Party Without Attorney (name and address): Melissa L. Barber, #28751 Boulder Valley School District PO Box 9011 Boulder, CO 80301 Phone: (720) 561-5903 Fax: (720) 561-5906 Email: melissa.barber@bvsd.org	Case Number: Division: Courtroom:
PETITION REGARDING TRUANCY	

The petitioner, **BOULDER 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	Click or tap here to enter text.
Date of Birth	Click or tap here to enter text.
Sex	Click or tap here to enter text.
Race/Ethnicity	Click or tap here to enter text.
Mailing Address	Click or tap here to enter text.
Fluent in English	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If no, what language?
Individual Education Program (IEP)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. If no, what program?
Current Academic Status	Enrolled

ATTACHMENT A

1.2 Identification of mother/legal guardian:

Name	Click or tap here to enter text.
Mailing Address	Click or tap here to enter text.
Fluent in English?	<input checked="" 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:	Click or tap here to enter text.
Date school year begins and ends:	Click or tap here to enter text.
Student's grade:	Click or tap here to enter text.
Number of credits earned:	Click or tap here to enter text.
Number of unexcused absences:	Click or tap here to enter text.
Dates of unexcused absences:	Click or tap here to enter text.

Copies of the attendance reports are attached.

II. BASIS

- 2.1 The respondent student resides within the **Boulder Valley 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 _____, the designated attendance center, according to the requirements of § 22-33-104, CRS. 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), CRS.
- 2.2 Respondents have been given notice as required by § 22-33-108(5), CRS 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(s) that the student has been absent without excuse.

in writing on: _____

by phone on: _____

Scheduled a conference with the student and parent(s)/guardian(s) after a second absence without excuse.
The conference was scheduled for [Click or tap here to enter text.](#) (date). The result of the conference was:

Student failed to attend.
 Parent(s)/guardian(s) 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.

If NO agreement, give reason: _____

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 (case number):
 - “Child In Need of Services” petition (case number):
 - Juvenile Offenses (case numbers):
 - Dependency (case 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 (4) unexcused absences within one month or ten (10) 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 the Truancy Improvement Project orientation and advisement, set for [Click or tap here to enter text.](#) at the 20th Judicial District Court, 1777 6th St., Boulder, CO, including participation in the Truancy Review Team, if good cause is shown, and/or other proceedings as coordinated by the school district.

By: _____
Melissa L. Barber, Attorney for Petitioner

IV. DECLARATION

- 4.1 I, , am employed as an **Attendance Advocate** by the **Boulder 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 **Boulder Valley School District, Office of Legal Counsel**, Colorado.

Christina Suarez

Signature

Printed Name

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

- Attendance Records – Exhibit A
- Copies of all letters sent to parent(s)/guardian(s) – Exhibit B
- Attendance Agreement (Contract) – Exhibit C
- Witness list for hearing – Exhibit D
- Judicial Communique – Exhibit E
- Student's School Registration Form(s) – Exhibit F
- Notices of suspension – Exhibit G

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 (21) 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) days 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.

Attachment B

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 - 6 th Street Boulder, CO 80306 (303) 441-3748	▲ COURT USE ONLY ▲
Petitioner: <u>(NAME OF SCHOOL DISTRICT)</u> vs. Respondent(s):....., Student _____, Parent(s)	
Attorney or Party Without Attorney (name and address) Phone Number: FAX: E-Mail:	Case Number: Division: 13 Courtroom: P
MOTION AND ORDER FOR APPOINTMENT OF A GUARDIAN AD LITEM (GAL)	

I. MOTION

A truancy petition was filed by (NAME OF 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 requests appointment of a Guardian Ad Litem (GAL), pursuant to CRS 19-1-111(2)(b).

Petitioner further requests the court make a finding that appointment is necessary due to exceptional and extraordinary circumstances. As grounds for this finding, Petition states as follows: Due to continued non-compliance with school attendance and the lack of parental involvement to ensure he is attending. Parents do not respond to requests from his special education case manager or the administrators at the school.

Signed on ... at Boulder, Colorado

The Court finds the appointment of a Guardian ad Litem is necessary due to exceptional and extraordinary circumstances, as stated above.

II. ORDER

_____ is hereby appointed as Guardian ad Litem. Respondents and Petitioner shall cooperate with the GAL for purposes of the GAL investigation.

Notice of this order shall be provided by the Petitioner to Respondents.

DATED _____

BY _____, DISTRICT COURT JUDGE

Attachment C

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 - 6th Street Boulder, CO 80306 (303) 441-3748	▲ COURT USE ONLY ▲
Petitioner: (NAME OF SCHOOL DISTRICT), IN THE INTEREST OF: Click or tap here to enter text., A Child, AND CONCERNING: Click or tap here to enter text., Respondents	
(CONTACT FOR SCHOOL DISTRICT) Phone: Fax:	Case Number: Click or tap here to enter text. Division: Courtroom:
MOTION AND ORDER FOR APPOINTMENT OF A CASA	

I. MOTION

A truancy petition was filed by (NAME OF SCHOOL DISTRICT) on Click or tap here to enter text. pursuant to the requirements of CRS § 22-23-101 against the above-named student and/or parent(s)/guardian(s). The petitioner requests appointment of a Court Appointed Special Advocate (CASA), pursuant to CRS 19-1-206(1)(b), and states as a basis therefore as follows:

- 1. Continued non-compliance with school attendance requirements**
- 2. Student and Parents are in conflict.**

Accordingly, Boulder Valley School District requests an order appointing a CASA in this matter.

Signed on this day of Click or tap here to enter text., 2017.

BOULDER VALLEY SCHOOL DISTRICT RE-2

By: _____

FINDINGS

The Court finds the appointment of a CASA is necessary due to the circumstances as stated above.

ORDER

_____ is hereby appointed as CASA. Respondents and Petitioner and shall cooperate with the CASA for purposes of the CASA investigation.

Notice of this order shall be provided by the Petitioner to Respondents.

DATED _____

BY _____
District Court Judge

Attachment D

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 - 6th Street Boulder, CO 80306 (303) 441-3748		▲ COURT USE ONLY ▲
Petitioner: (NAME OF SCHOOL DISTRICT)		
vs. Respondent(s): Student _____ Parent(s)		
Attorney or Party Without Attorney (name and address): Phone Number: E-Mail: FAX Number: Attorney Registration:		
REQUEST TO SET HEARING		

Boulder Valley School District, through the undersigned counsel, hereby files this REQUEST TO SET HEARING in this matter at the next available hearing date, preferably on _____ and in support thereof states that the School District has been working with Student and Parent(s) to support Student's school attendance and to date they have been non-compliant with referrals given and appointments scheduled. At this time the School District recommends an in-court hearing to further aide this process of support.

RESPECTFULLY SUBMITTED THIS _____.

BOULDER VALLEY SCHOOL DISTRICT RE-2

IT IS SO ORDERED on this ____ day of _____, 2017.

BY THE COURT;

 Judge

Attachment E

District Court, Boulder County, State of Colorado 1777 6 th Street, Boulder, Colorado 80306 (303) 441-3748		▲ COURT USE ONLY ▲
Petitioner: (NAME OF SCHOOL DISTRICT) vs. Respondent(s): _____, Student, and _____, Parent(s)		
Attorneys for Petitioner: Phone Number: Email: FAX Number: Attorney Registration:		Case Number: Division: 13 Courtroom: R
MOTION AND ORDER TO STAY TRUANCY PROCEEDINGS		

I. MOTION

A truancy petition was filed by (NAME OF SCHOOL DISTRICT) on _____, 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 the student's parent(s)/guardian(s) to address the truant behavior.

II. DECLARATION

I, Martha Bustillos, declare under penalty of perjury under the law of the State of Colorado: That I am employed by the St. Vrain Valley School District as Attendance Liaison. St. Vrain Valley School District represents that the conduct of the above-named student and/or the student's parent(s)/guardian(s) 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 ("TIP"). I believe that the above actions, including the Truancy Review Team with the student and/or the student's parent(s)/guardian(s) may result in successfully addressing the truant behavior.

Signed on _____ at Longmont, 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, St. Vrain Valley School District including the truancy petition and attached documents, if any, and therefore:

The Motion to Stay Truancy Proceedings is GRANTED. The Court hereby orders the student and family 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 (90) 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 school district can continue to monitor the matter, a request that the matter continue with the TIP, 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 (90) days, the court will dismiss the petition.

Notice of this order shall be provided by the petitioner to the 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) days 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(s') conduct was offensive to the authority and dignity of the court.

Attachment F

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 - 6 th Street Boulder, CO 80302		▲ COURT USE ONLY ▲
Petitioner: (NAME OF SCHOOL DISTRICT), IN THE INTEREST OF: Respondent: _____, A Child, And _____, Parent (s).		
Name of attorney:	Attorney Registration:	Case Number:
Phone:	Fax:	
Progress Report and Motion for Order Relating to Truancy Proceedings		

COMES NOW (NAME OF SCHOOL DISTRICT), and through the undersigned counsel submits the following Progress Report for the Court’s review and moves the Court for an order relating to truancy proceedings as follows:

- 1) Specific interventions undertaken by the school district:
- 2) Outcome of the interventions:
- 3) Current school year attendance report attached as Exhibit A.
- 4) School District requests that the court enter an Order:
 - Dismissing the case with prejudice;
 - Dismissing the case without prejudice;
 - Administratively closing the case without prejudice
 - Staying the case while the District continues to monitor the matter,
 - Referring the case to the Truancy Improvement Project for:
 - o TIP Orientation
 - o Truancy Review Team assessment

Granting a hearing for good cause as described below:

Granting other relief specified below:

Dated this __ day of __.

The Court has considered the Progress Report and Motion for Order Relating to Truancy Proceedings and hereby GRANTS the relief requested by Petitioner.

Notice of this Order shall be provided by Petitioner to Respondents.

SO ORDERED this ____ day of _____, 20 ____.

District Judge