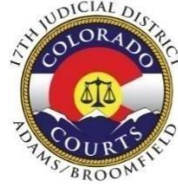


Process for Filing a Truancy Case



- Magistrate Lord-Blegen, Truancy Court Division Magistrate, Division D2, Courtroom 603
- Truancy Clerk Contact Information. Please include all the clerks listed below on any email communication with the court.
 - Grace Carroll, *primary* D2 contact: (303) 654-3285;
 - **Evie Ward**, back up D2 contact: (303) 654-3277.
 - **Francesca Archuleta**, back up D2 contact: (303) 655-3943
 - [D17 Courts D2@judicial.state.co.us](mailto:D17_Courts_D2@judicial.state.co.us)
- Court documents must be filed with the Clerk's Office in person or by US Mail at: **1100 Judicial Center Drive, Brighton, CO 80601**
- **The 17th Judicial District requires that the 17th JD Standard Petition be used.**

A truancy case may be filed with the 17th Judicial District Adams County Truancy Court when the juvenile refuses to participate or has failed to comply with his/her Truancy Action Plan through the Truancy Reduction Program or if the School District has reason to believe that a direct filing to the court is necessary. Children between age 7 and 16 are compelled by state statute to attend school.

22-33-108 , C.R.S.: Judicial Proceedings:

- Before initiating court proceedings, the school district shall give the child/youth and parent written notice that the school district will initiate court proceedings if the child/youth does not comply with attendance requirements.
- School districts must at a minimum submit to the court: 1) attendance record of student before and after the student was identified as habitually truant, 2) whether the student was identified as chronically absent (22-33-104, C.R.S.) and if so, the strategies that the school district used to improve the student's attendance, 3) the interventions and strategies used to improve the student's attendance before the school created the plan identified in 22-33-107(3), C.R.S., 4) the student's plan and efforts by the student, the student's parents and school or school district personnel to implement the plan. Or exchange information with professionals; Truancy Action Plan or bulleted summary.
- The court may issue an order against the child/youth, the child/youth's parents, or both compelling the parent(s) to take reasonable steps to assure the child/youth's attendance. The order must require the child/youth and parent(s) to cooperate with the school district in complying with the plan created for the child/youth.

- If the child/youth does not comply with the court order, the court may order an assessment to be conducted by DHS pursuant to 19-3-102(1), C.R.S.

Requirements for Attorney Involvement:

Motion for Contempt: An attorney must prepare and sign the Motion for Contempt and appear in court. They must be served 20 days prior to the advisement hearing

****Note regarding Petitions:** An attorney or authorized representative must sign the petition. A school district representative may appear in court and the attorney's appearance will be waived**

Contempt Procedures: Contempt procedures must conform to OJJDP (Office of Juvenile Justice and Delinquency Prevention) requirements and Status Offenders.

School contacts Court Truancy Clerk:

- School will request a case number, a date and time for an Advisement hearing
- Email should include the **child's name, date of birth, respondent(s) name** and if they **need an interpreter**



Truancy Clerk locates a case number:

- Go to the H: Drive: Juvenile Folder: Clerk's Folder: 2023 JV Case Number Assignment
- Go to the next available court case number on the spreadsheet



Truancy Advisement Times:

- We set 6 cases each hour on the hour at 8:30am, 9:30am, 10:30am for the Truancy Advisement hearings on Thursdays
- Fill the 8:30AM time slots first; then move onto the 9:30AM; etc.
- Add the case number and the child's last name and HADV on the time slot you designated to the D2 Outlook Calendar. Example: 19JV123 Williams HADV



Pick a Truancy Advisement Date:

- Hearings are always on Thursday mornings of each month.
- On the Outlook D2 Calendar: Pick a Thursday date that is a minimum of three weeks out from the date the case is requested
 - If the date is full, go to the next available Thursday advisement date

Filling out the Truancy Spreadsheet:

Fill out each column accordingly Be sure to hit save on the spreadsheet when finished Email the school district representative back within 48 hours and in the email include the Case Number that was assigned, and Date of Advisement hearing assigned 48-hour timeframe excludes Sat/Sun/Holidays



The School District then has **10 days** to file the following documents with the court: **Petition for Order to Compel School Attendance; Notice of Hearing and Summons to Compel School Attendance; Affidavit of Attendance with dates.** If the case is not filed within 10 days of receiving the case number, the case number will be void and you will need to obtain a new case number if you decide to file the case.

- After a case number is provided and it is determined that the filing will not occur for any reason, please notify the court that the case number will not be used. Please email the truancy clerks.
- If you wish to continue or vacate a hearing, a **Motion and Proposed Order** must be filed to either Continue a Hearing or Vacate a hearing, at least 2 weeks prior to the hearing date
- School Districts are to flag cases when an interpreter is needed



Filing Documents with the Court

- A minimum of 7 business days prior to the scheduled Advisement Hearing. This will allow enough time for processing and reviewing by the Judicial Officer.
- Insert case number, Division D2, the name of the school and other pertinent information on the following document. :
- **Notice & Summons to Compel School Attendance**
- **Petition for Order to Compel School Attendance**
- **Affidavit of Attendance with dates**
 - **Written Advisement: Advisal of Rights and Petition to Admit Violation of CO School Attendance Law**
- Prepare 3 copies of each of the documents listed above.
- If petition is in a language other than English, that petition needs to be attached along with the English one

•Please indicate language of interpreter that is need in bold and highlighted on the first page of each copy

Take completed copies: 3 (court, school, parent) to Windows 3-5 at the Adams County JusticeCenter

- It is helpful to flag the following pages of each set of documents to help expedite the process at the window: Notice & Summons to Compel School Attendance.
- The clerk will keep the Original for the Court File; the other two copies are given back.
 - One of the copies is for the school record and the other copy is given to the respondents by the process server. The serving process is arranged by the school
- **REMINDER: The Clerk's Office hours are Mon-Thur 7:30am-4:30pm & Fri 7:30am-1pm If you wait to file until the end of the day, please be here no later than 3:30pm**



Serving Families

- Once the filing has been made in court, a copy of all the filings are given to a Process Server (who is determined by the school district to be served on the respondents).
- Once service has been completed, a notarized copy of the Affidavit of Return of Service and an updated copy of the Affidavit of Attendance must be hand-delivered to the courthouse no later than 3 business days prior to the scheduled Advisement Hearing.
 - Documents may include multiple attachments, but each pleading/ document should be attached separately and be named with both the case# and the title of the document. Example: 20JV4009 Proof of Service and Affidavit or 20JV4012 Motion for Contempt.
 - Documents will be rejected if they are not transmitted to the court in this manner or for any of the rejection reasons outlines in Chief Justice Directive 11-01:

<https://www.courts.state.co.us/userfiles/file/Administration/ITS/EFiling/11-01.pdf>

- If the respondents are not served, the court must be notified immediately, and the hearing will be postponed until such time
- as service is completed
- A juvenile and respondent(s) must be served with their summons not less than 5 days prior to the time the juvenile is
- requested to be in court excluding weekends, holidays and the actual day of service
- **For Friday hearings, your service of process should be complete by no later than the close of business on the Friday before the hearing**

Once the case is filed: The clerks in the Clerk's Office will place the file in the Truancy D2 Basket in the Records Department for further processing

- If an interpreter is needed:
 - Go into the case in Eclipse and go to the Scheduled Events Tab
 - On the left-hand side, click on the Interpreter Link
 - Hit F4 if you do not know the interpreter code; hit enter once the appropriate interpreter is found
- Once done, send the file down to be filed until docket is pulled prior to the hearing date



If at any point, the school district becomes aware that the juvenile has a delinquency or dependency and neglect case pending in Adams County, please notify the Magistrate at the hearing and request that the cases be bundled

The court does not require a school representative to be present for hearings in bundled cases if a written report is submitted that provides the status of compliance with the Truancy Case



A **written advisement form** will be provided prior to each first appearance by a school official. Each student and parent will need to review the form and sign it

- Once the case is called up, the court will request the form in order to make it a part of the court file
- This form should already be filled out; the courtroom will have blank forms in case a family is missing one.