



## PRESIDING JUVENILE JUDGE ORDER 2025-02

STATE OF COLORADO  
FIRST JUDICIAL DISTRICT

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### ORDER RE: Truancy Court Best Practices in the 1st Judicial District

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*This Presiding Juvenile Judge Order (PJJO) supersedes and replaces CJO 2016-02, CJO 2010-01, and PJJO 2023-01 related to truancy only.*

In accordance with the mandate of C.R.S. § 13-5-145(3), the First Judicial District adopts the following policies for addressing truancy cases, considering “(a) best practices for addressing truancy that are used in other judicial districts and in other states; (b) evidence-based practices to address and reduce truancy; (c) using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy; (d) using detention only as a last resort after exhausting all other reasonable sanctions and, when imposing detention, appropriately reducing the number of days served; and (e) research regarding the effect of detention on juveniles.” In adopting this policy, the First Judicial District seeks to promote the use of problem-solving practices to address the underlying causes of truancy and promote school attendance.

The Chief Judge of the District has the authority to assign cases to divisions within the courts, to assign district court judges to a particular division, and to delegate administrative authority to other judicial officers as deemed appropriate pursuant to Chief Justice Directive 95-01 (CJD 95-01). The Chief Judge of the District has delegated oversight and authority over truancy best practices to the Presiding Juvenile Judge in Chief Judge Order 25-04. To maintain a truancy court that follows juvenile best practices and best serves the children in the First Judicial District, the following orders are entered, after consultation with the First Judicial District Best Practices Team Truancy Subcommittee and other truancy courts statewide.

IT IS ORDERED THAT:

1. **Truancy Best Practices Subcommittee.** The First Judicial District Best Practices Court Team shall hold regular meetings of the Truancy Best Practices Subcommittee, at the direction of the truancy court or Presiding Juvenile Judge. The Truancy Best Practices Subcommittee shall be comprised of relevant stakeholders and shall collaborate to identify and implement evidence-based programming and best practices for the First Judicial District Truancy Court. Understanding that there is a statewide committee working on establishing truancy rules of procedure, these best practices shall serve as an interim guide to truancy practices in this

district. When truancy rules are ultimately adopted, this order shall guide where the rules are silent, and any provisions that do not directly conflict with truancy rules will remain in effect.

2. **School District Obligations.** Prior to filing of any truancy petition, the school district shall comply with C.R.S. § 22-33-108(5) to implement the plan required by C.R.S. § 22-33-107(3)(b). The plan shall include written notice to the student and parent(s) that the school will initiate court proceedings if the child does not comply with the attendance requirement, per C.R.S. § 22-33-108(5)(c). If a student and parent(s) fail to comply with the plan, the school may issue a summons and initiate a court proceeding. The First Judicial District policy is that children in the sixth grade or who are 12 years old or older shall be named as a party in the summons and shall be required to appear and engage in the court process. The school district or court may use their discretion to require an elementary-aged child or a child under the age of 12 to be added to the petition and required to appear in court.
3. **Jurisdiction.** Under C.R.S. § 19-1-104(1)(k) and C.R.S. § 22-33-108(1), “the juvenile court has exclusive original jurisdiction in proceedings to make a determination concerning a petition filed pursuant to the ‘School Attendance Law of 1963,’ article 33 of title 22, C.R.S., and to enforce any lawful order of court made thereunder.” Under C.R.S. § 19-1-108(1), the “juvenile court may appoint one or more magistrates to hear any case or matter under the court’s jurisdiction.” In the First Judicial District, truancy cases are deemed juvenile proceedings delegated to the magistrate. Under C.R.M. 6(d), “[a] juvenile court magistrate shall have all of the powers and be subject to the limitations prescribed for juvenile court magistrates by the provisions of Title 19, Article 1, C.R.S.” and “consent in any juvenile matter shall be as set forth in C.R.M. 3(f)(1).” Thus, the Court orders that the school district’s notice and summons or petition must include an advisement to parties in truancy matters that failure to file a written objection to magistrate jurisdiction within 14 days of receipt or failure to appear at the first setting will constitute irrevocable consent to the magistrate jurisdiction. If an objection to magistrate jurisdiction is timely filed, the matter will be handled by the Presiding Juvenile Judge in Division 10, but every reasonable attempt will be made for the case to be heard during the regular truancy docket.
4. **Summons Return.** Beginning with the docket on October 2, 2025, summons returns shall be scheduled at 8:00 a.m. on Thursday mornings, for the family to arrive and meet with professionals before the truancy court takes the bench at 8:30 a.m. Any child named in the Petition and parent(s) shall appear in person to be advised on the truancy petition and connected with community resources, including but not limited to Court Appointed Special Advocates, Department of Human Services prevention team, the Jefferson County’s Juvenile Assessment Center’s Community Assessment Program, and Jefferson Center for Mental Health. At the summons return hearing, the parent(s) or guardians shall fill out and return the Initial Hearing Intake Form to ensure the truancy court has updated contact information for the parties.
5. **Appointment of Counsel for the Child.** At the time of the summons return, an attorney will be present to meet with the family and be provisionally appointed to represent the child in the interests of justice, consistent with C.R.J.P. 4.27(b)(1). If the child denies the allegations in the petition and wishes for counsel’s representation to continue, the parent or guardian must submit a JDF208 to demonstrate the child qualifies for state-appointed counsel consistent with the income guidelines in Chief Justice Directive 04-05, Attachment A. If the child admits the

petition or is later adjudicated, the provisional appointment will immediately terminate, consistent with C.R.J.P. 4.27(b)(5), unless the court finds good cause and “deems representation by counsel necessary to protect the interests of the child” under CJD 04-05, and the family submits a JDF208 and qualifies for ongoing state-appointed counsel. If a parent or guardian refuses to submit a JDF208 to determine a finding of indigence, the court may order the parent or responsible party to reimburse the state for any justifiable fees and expenses as a result of the representation provided for the provisional appointment of legal counsel for the child, consistent with CJD 04-05.

6. **Appointment of Guardian ad Litem (“GAL”) for the Child.** A GAL may be appointed at any point during truancy proceedings in accordance with CJD 04-06 and C.R.S. § 19-1-111(2)(b), “when the court finds that the appointment is necessary due to exceptional and extraordinary circumstances.”
7. **Court Appointed Special Advocates (“CASAs”).** Pursuant to C.R.S. § 19-1-202(2)(a), there is an established CASA program in the First Judicial District, which is governed by a memorandum of understanding that identifies the roles and responsibilities of CASA volunteers appointed in juvenile proceedings. C.R.S. § 19-1-206(1)(b) authorizes appointment of a CASA volunteer in a truancy case, provided that at least one parent or legal guardian of the child involved is provided with notice of the appointment of a CASA volunteer. CASA volunteers can be valuable in truancy actions to help a child or family with resources and help the child to reengage with school, and CASA of Jefferson and Gilpin Counties has expressed an interest and willingness to participate in truancy cases. Thus, CASA volunteers may be appointed in truancy actions, in the discretion of the judicial officer, when the family has expressed a willingness to engage and the judicial officer deems that a CASA volunteer would be in the child’s best interests. Whenever possible, CASA volunteers shall be appointed at the earliest possible stage of the truancy case to allow them to review all relevant documents and speak to all parties involved in the case to be well informed about the child’s circumstances and needs.
8. **Adjudicatory Hearing.** Although C.R.S. § 22-33-108 does not explicitly confer a right to an evidentiary hearing on the truancy petition, subsection (5)(d) lays out the evidence the school must submit to the court. Due process principles imply that the child shall have a right to contest the evidence presented, and the truancy court shall have the discretion to dictate the procedure to be followed for a contested adjudicatory hearing. The Petitioner bears the burden at the adjudicatory hearing, and the standard of proof shall be by a preponderance of evidence. Witness and exhibit disclosures shall be made at least 7 days prior to any adjudicatory hearing.
9. **Court Reviews.** Under C.R.S. § 22-33-108(6) the court has the discretion to enter orders against the child or the child’s parent to compel the child to attend school or to compel the parent to take reasonable steps to assure the child’s attendance. To that end, the truancy court will hold periodic court reviews with the goal of increasing school attendance and will operate under problem-solving principles, including utilizing intermediary sanctions and incentives to encourage and improve attendance.
  - a. In advance of court reviews, the school district may submit attendance and other information to the court for consideration in advance of the hearing. Any information provided to the court shall also be electronically provided by the school district to the child and parent (or legal guardian) in advance of the hearing.

- b. At the court reviews, the truancy court will set increased attendance goals. If a student has met attendance goals for three consecutive reviews, there is a presumption that the truancy proceeding will be closed successfully, and the Petition dismissed. At the request of any party, the court may set the matter for a 7:00 a.m. non-appearance review in no more than 90 days, excluding the summer months of June, July, and August, prior to dismissing the Petition and closing the case. If the school district believes cause exists to reopen the case, the school must issue a notice to the family to convert the non-appearance review to a court review requiring an appearance. If no notice is issued, the case will be dismissed by the truancy court at the scheduled non-appearance review.
  - c. Absent the filing of a contempt, the truancy court will have the discretion to close a case where progress is no longer being made in addressing the underlying causes of truancy and improving attendance, and where the truancy court's resources have been exhausted. The truancy court will have the discretion to order a team staffing to discuss whether there are any remaining resources that can be offered to the family prior to case closure. The truancy court will consider the age of the child, the child's unique circumstances, and the length the case has been open when determining whether it is appropriate to close a case unsuccessfully.
  - d. Incentives and sanctions the court may utilize include, but are not limited to: orders to comply with the district plan for attendance, essays, attending problem-solving family meetings, telephone or internet restrictions, driving restrictions, chores, gift cards, orders related to in person versus virtual appearances in court, increased or decreased court appearances, parental accompaniment to class, daily reporting, enrolling in or attending therapy or mental health services, enrolling or engaging in pro-social activities, or engaging in an IEP or 504 evaluation.
  - e. Pursuant to C.R.S. § 22-33-108, if a child or parent fails to comply with a valid court order, the court may order an assessment for neglect to be conducted pursuant to Title 19. If the court finds significant safety concerns exist based upon the information provided by the parties and the assessment, the court may order the Department of Human Services to file a dependency and neglect case.
10. **Timing and Scheduling of Dockets.** Beginning October 2, 2025, the truancy docket will be held on Thursday mornings. Summons returns will be scheduled for 8:00 a.m., and other regular docket and court reviews will be scheduled starting at 9:00 a.m. If a child is compliant with attendance goals or fully engaged in court ordered services, every effort will be made to call that case as quickly as possible as an incentive for compliance.
11. **Appearances.** The truancy court has the authority and discretion to order in person appearance or authorize virtual appearances, depending on the type of hearing and family circumstances.
- a. The child and parent or guardian shall appear in person for the summons return and the initial hearing on the truancy petition, any contested adjudicatory hearing, and any contempt proceedings, unless the court finds good cause and explicitly authorizes a remote appearance. Except for the summons return and initial appearance, any juvenile may appear from school even if ordered to be in person.
  - b. For court review hearings, if the child's attendance is below 50%, the child and parent or guardian shall presumptively appear in person, unless the court finds good cause and explicitly authorizes a remote appearance. If the child's attendance is above 50%, the

child and parent or guardian may appear virtually, unless otherwise ordered by the court.

- c. School professionals are authorized to appear virtually for all hearings, unless they are testifying in a contested hearing or explicitly ordered by the court to appear in person.

**12. Contempt Proceedings.** If a child or parent is not complying with court orders, the school district may initiate contempt proceedings. If contempt proceedings are initiated, an attorney shall be appointed for the child or parent accused of contempt, and a JDF208 shall be submitted. The truancy court will apply all procedural protections of C.R.C.P. 107 for contempt proceedings, consistent with C.R.S. § 22-33-108(7)(a). After a finding of contempt, the court may impose sanctions that include, but are not limited to, community service, supervised activities, participation in service for at-risk students, or other activities with the goal of ensuring a quality education, consistent with C.R.S. § 22-33-108(7)(b). The court may only impose detention as a sanction for contempt for up to 48 hours in a youth detention facility, and only upon a finding that detention is in the best interest of the child as well as the public, considering the factors outlined by statute, including that evidence shows that detaining children for truancy alone is counterproductive and harmful to children, is likely to have a detrimental impact on attendance, and is likely to increase future involvement with the criminal justice system. C.R.S. § 22-33-108(7)(c). If a parent is found in contempt, the court may impose a fine of up to but not more than \$25 per day or confine the parent in the county jail until the order is complied with, in accordance with C.R.S. § 22-33-108(8).

**13. Failure to Appear.** If the truancy court issues a bench warrant for a child's failure to appear after proper service, the warrant must provide for release of the child from temporary custody on a summons returnable on a Thursday morning at 8:00 a.m. or an unsecured personal recognizance bond that is cosigned by the child's parent or guardian. C.R.S. § 22-33-108(7)(a.5).

ORDERED AND SIGNED on this 11<sup>th</sup> day of August, 2025.



Lindsay VanGilder  
Presiding Juvenile Judge  
First Judicial District