AGENDA
COLORADO SUPREME COURT
RULES OF JUVENILE PROCEDURE COMMITTEE

Friday, April 3, 2026, 9 a.m.
Videoconference Meeting via Webex

I. Call to Order

II. Chair's Report

A. Welcome Nathan Fall

B. Minutes for the February 2, 2026 meeting. **[pages 2–6]**

III. Present/New Business

IV. Old Business

A. Discovery and Disclosures Annual Review Subcommittee (update)

B. ICWA Review Subcommittee (update)

C. Truancy Rules Subcommittee. (update-finalization moved to June meeting)

- Memo From Magistrate Lococo **[pages 7–12]**

D. Adopting Rule Change 2025(15) (Crim. P. 24(d)(5)) for C.R.J.P. (update)

V. Future Meetings (first Friday of even months): June 5th; August 7th; October 2nd; and December 4th.

VI. Adjourn

Colorado Supreme Court
Rules of Juvenile Procedure Committee
Meeting Minutes: Friday, February 6, 2026

I. Call to Order

A quorum being present, the Colorado Supreme Court Committee on the Juvenile Rules of Procedure was called to order by its Chair, the honorable Judge Craig R. Welling at around 9 a.m. via videoconference.

The following members were present at the meeting: David Ayraud; Jerin Damo; Traci Engdol-Fruhwirth; Magistrate Randall Lococo; Judge Ann Meinster; Judge Pax Moultrie; Professor Colene Robinson; Angela Rose; Lisa Shellenberger; Judge Theresa Slade; Anna Ulrich; Pamela Gorden Wakefield; and Abby Young.

The following members were absent from the meeting: Judge Karen Ashby; Judge Priscilla J. Loew; and Zaven Saroyan.

The following non-voting participants were present at the meeting: Andy Rottman; J.J. Wallace, and Justice Richard L. Gabriel, liaison justice.

Truancy Subcommittee members Magistrate Cara Sweet and Nathan Fall were present as well.

The following materials were used during the meeting:

1. Truancy Rules Draft

II. Chair's Report

A. Minutes

The October 2025 meeting minutes were approved without amendment.

B. Feedback on Rules

One member related that a D&N judge in his district let him know that an issue arose where RPC or GALs in court were complaining that they had not received automatic updated information after an initial written request. The D&N judge felt that the rules did not require updates unless a subsequent request was made.

A member respondent that he believed that was the committee's intent. A second member agreed and pointed to Rule 4.9(j), which imposes a duty to take corrective action to supplement when information was not complete or accurate at the time it was

provided. A private practice member noted that, in a recent request for discovery, the jurisdiction asked when she made the request whether it was intended to be a one-time request or a continuing request, which she thought was helpful.

The chair followed up on the law enforcement reports issue that was discussed at the last meeting. One member indicated that law enforcement in his jurisdiction will not give reports to DHS but will make them available for inspection if DHS wants to see them. Other members noted that costs are influencing discovery requests because those seeking discovery must pay for its production.

Judge Welling stated that he intended to get the annual review subcommittee together to discuss these issues.

III. Present/New Business (none)

IV. Old Business

A. Disclosures and Discovery Annual Review

Individuals interested in this subcommittee have been information gathering. Judge Welling related that he was at a roundtable discussion with judges, who provided him with feedback. Anna Ulrich and David Ayraud were similarly at the Juvenile Judges Institute where they received feedback. They have notes to share on the feedback they received. Judge Welling stated that he intended to get the annual review subcommittee together to discuss the issues outlined above. Justice Gabriel added that it might be worth going through the Chief Judges Council for additional feedback.

B. ICWA Subcommittee

With the passage of the Colorado ICWA (article 1.2 of title 19), the Colorado Supreme Court suspended the ICWA rules and asked the subcommittee to make a recommendation on what comes next. Judge Moultrie thanked the Juvenile Rules Committee members who participated in the subcommittee along with Jack Trope and Judge Liberman, who provided invaluable assistance.

Judge Moultrie stated that the subcommittee met several times and came up with a stand-alone rule to replace all the current ICWA rules. The stand-alone rule includes a purpose, applicability, inquiry, and implementation section. It will also serve as a placeholder in case there is future need for more rules. The subcommittee recommends reaching out to the civil, probate, and juvenile rules to have each of those rules sets reference the ICWA rule. Judge Moultrie is working on a proposal letter to each committee. Justice Gabriel

is the liaison justice for all those rules committees and will be happy to help facilitate communication.

C. Truancy Rules Subcommittee

Judge Welling introduced the subcommittee leaders Abby Young and Jerin Damo and thanked them both for their hard work. It was related that Abby worked miracles organizing everyone and keeping the subcommittee on track, and Jerin provided a first draft of the rules to allow the subcommittee to start discussions. The chair asked the subcommittee to provide an overview of the rules at this meeting; allow committee members to offer feedback; and then anticipate an up or down vote at the April Juvenile Rules Committee meeting.

Abby began by saying that the group has met every week for roughly 90 minutes over the last 9 months or so. They began by identifying needs using a state-wide survey and reaching out to stakeholders. In coming up with a first draft, they used other rules as models. They also looked to problem solving courts as models because, in practice, truancy often works like a problem-solving court. They also examined competency issues that can crop up in truancy. Finally, they noted that truancy practices vary wildly throughout the state. The group then went line by line reviewing the first draft provided.

Abby walked the committee through the proposal and highlighted the hot-button issues and the proposed rules that reflect changes to current practices. For example, Rule 8.3(b), naming students ages 12–16 as respondents, is a change in practice for some jurisdictions. For younger students, ages 6–11, the permissive "may" be named as a student respondent is used. While this is a change, the subcommittee reached consensus to recommend this change.

The chair recommended that the subcommittee give the committee members, who may not have a background in truancy, an overview of a truancy case. Nathan Fall, special guest and counsel for a school district, provided an overview of what happens before a truancy case is filed and how it progresses to court. Magistrate Sweet reiterated here that processes throughout the state vary widely.

Rule 8.12 authorizes permissive periodic reviews, which is new. Abby related that the statute sets out filing, adjudication, and closure, but the feedback the subcommittee received highlighted the need for more discretion for the middle part of a case. This is an example of where the subcommittee looked to problem-solving courts as a model. The rule is permissive, so jurisdiction do not have to hold review hearings.

Rule 8.13 outlining both successful dismissals and unsuccessful dismissals is also new. Some jurisdictions will file a case involving a 6-year-old and leave it open for 10 years, even though attendance is no longer an issue. The subcommittee wanted to provide a procedural mechanism to end this practice. A committee member asked about what an unsuccessful dismissal would look like, and Jerin provided an example where it was not fruitful to continue to have an open case for a student just months away from turning 17.

The next hot-button issue highlighted was detention, which is authorized by section 22-33-107(c), C.R.S. (2025) and is referenced in the rule on contempt, Rule 8.14. The statute authorizes detention, while at the same time strongly discouraging it. Here, the subcommittee tried to think about how problem-solving courts use detention; at the ICWA implications if detention is possible; and at a trauma-informed response to the issue.

The subcommittee was sharply divided on whether remedial contempt is available in truancy and whether it was a viable option in most circumstances (e.g., it's hard to purge not attending school in the past). The statute refers to punitive contempt, but in the context of the procedural protections required for punitive contempt. The last sentence in (b) reflects the sharp divide and confusion. The subcommittee is still mulling the divide over and the proposal may change. Feedback is also welcome.

The subcommittee is also considering whether it wants to come up with form documents.

Justice Gabriel thanked the subcommittee for putting together such impressive work.

The subcommittee would like feedback via email. Please email feedback by Tuesday, February 17th.

Jerrin noted Nathan Fall's contribution to the effort and recommended him for appointment to the Juvenile Rules Committee, if he's willing. He was willing.

D. Adopting Rule Change 2025(15).

Z will head up. Anna Ulrich is also willing to work on the idea

V. Future Meetings

The next meeting is Rockies' Opening Day, April 3, 2026 at 9 AM and should conclude in time for the game.

VI. Adjourn

The committee meeting adjourned at around 10:30 a.m.

THOUGHTS FROM MAGISTRATE LOCOCO – March 2026

Contents

I have been meeting infrequently with a group of judicial officers who are wishing for a forum to discuss truancy issues. This group is longing for support, consistency, and guidance in truancy practice. I have also heard from school district officials and lawyers that they wish for consistency and guidance as well.

As the juvenile rules committee gets closer to considering a set of truancy rules, I prepared this document based on things I've heard and topics discussed for about a year. This is not to pursuade one way or the other (although judicial officers feel pretty strong about a few things which are outlined below). Rather, this is to inform the larger committee of the state-of-affairs. I do not wish to attribue statements or positions to others. Thus, I claim full owership of the words here. (And, some judicial colleagues may take issue with some of my statements here). Some of the "differences" and positions outlined here are consistent with the survey results collected by Denver Juvenile Court Executive Abigail Young and the sub-group working on truancy rules. I hope the collective wisdom of Abby Young's truancy sub-group, the survey results, input such as this document, and the robust perspectives of the juvenile rules committee members will inform the committee's discussion in passing a set of truancy rules. In the end I will be in support of truancy rules because they add consistency and guidance. At the same time, some of these "differences" will persist based on how each location wants to deal with truancy. Also, uniform practice will be elusive unless and until there are legislative changes.

DIFFERENCES

There continue to be, and will likely continue to be, vast differences in how jurisdictions and school districts do truancy cases. New rules proposed by the truancy sub-group will help with consistency. They will also give structured guidance to judicial officers and practitioners. Consistency and guidance in truancy is long overdue. The truancy sub-group has struggled with some of these differences. I suspect that the larger rules committee will also struggle as well.

Many differences seem to have emerged from a combination of factors including a) past practices ("this is how we've always done it"); b) tolerance and/or leadership of judicial officers ("this is how we're going to do it" which can include "I'm not doing these cases", along with "I do these because I have to, but I'm not sure why I do these"); and c) advocacy / strategy approaches of school districts ("we don't do contempt", "we only do contempt", "we only do punitive", "we only do remedial"). Some of the differences are also driven by judicial officer views, some of which are discussed below. Almost all judicial officers suggest truancy is a local affair (similar to CYDC / JSPC local and control and local authority); Truancy courts seem to do what their community and school districts believe work best.

Some of these differences cannot, or will not, be eliminated absent statutory clarification in Title 22, or specific adjustments to CRCP Rule 107 that apply solely to truancy.

Jefferson County (1st JD) has a presiding judge administrative order that addresses truancy.

Some jurisdictions use CASA on some or all truancy cases.

This document is not an exhaustive list of issues, and does not contain all competing legal theories or arguments. The discussion among a small group of judicial officers is robust.

ADJUDICATING / ISSUING A VCO

- Some do not adjudicate at all. They hail the parties in and hold reviews toward the end of improving attendance. Some judicial officers question whether a court has any authority to do this. Without an adjudication, what is the authority to do anything?
- Some adjudicate and then hold reviews. Some judicial officers believe (strongly!) this is the soundest, and best approach to affect change and implement a problem-solving-court-type approach. An adjudication at least gives the court authority to issue subsequent court orders or directives. Some judicial officers say there is no statutory authority for holding reviews, and thus no purpose in doing so (and perhaps is illegal action by the courts). The judicial officers who believe reviews are appropriate / best practice insist that the rules committee not eliminate or bar this approach.
- Some adjudicate and then "administratively close" (hold no hearings after a VCO) and authorize the district to file contempt. These locations allow contempt (and contempt reviews). See below for Contempt.

REVIEWS

- Those that do reviews (whether pre VCO or post VCO or after contempt) try to focus on "what is the thing" that is between attendance and the student not attending. For many, this is part of the problem-solving-court style or approach.
- Some review as frequently as weekly or every other week. Some monthly or less-frequently. Typical of the diversity of our state, some locations have hundreds of truancy cases, some have a small handful.

- As noted above, those locations that use reviews feel strongly that the statute at least allows them (in that they are not statutorily prohibited and the language of some subsections promotes a problem-solving style). Those locations that use reviews insist that reviews not be prohibited, and be support by the rules (if not in text, at least in comments).

APPEARANCE

Relative to "local control" is whether "in person" appearances are required or expected. Some locations have only 1 school district (e.g. JeffCo, Denver, Douglas). Some have several school districts (e.g. Weld at 13+ districts). Many locations are large geographically. Each location has an expected practice.

- Most require in person for a return on summons/notice, and/or advisement on contempt. This allows mass-advisement plus individualized time for each family. In person also conveys the weight and gravity of the case.
- Some require in person appearances for any court hearing.
- Some allow WebEx / virtual appearances. This may be a holdover from COVID. Some counties are geographically vast, and courts are willing to allow parents and students to appear virtually to minimize the drive.
- For those that allow WebEx, some allow students to appear from school (so they do not have to leave the school campus for court attendance).
- Some that require in person appearances allow virtual appearances as an incentive or creative solution (See below).

APPOINTMENT OF COUNSEL

CJD 04-05 III A allows appointment of a GAL if the parent qualifies as indigent or if it is necessary to protect the interests of the child or other parties. CJD 04-05 requires an application (JDF 208). The consensus is that when appointing a GAL on a truancy case a JDF 208 is rarely, if ever, collected. Some locations appoint a GAL to every truancy case. Some only appoint a GAL selectively.

Any parent can always hire counsel at their own expense at any time for any part of a truancy case.

Unless a contempt is filed, and unless a party is deemed indigent, authority to appoint counsel for a student or parent does not seem to exist. Some locations do appoint counsel before a contempt is filed and/or when there is no qualification. To the extent judicial districts are paying for this, it may be inconsistent with any CJD. To the extent school districts are paying for student or parent counsel, I do not know the authority for that (but don't believe it is prohibited either).

When a contempt is filed, and punitive sanctions are sought, Rule 107(d) provides, "At the first appearance, the person shall be advised of the right to be represented by an attorney and, if indigent and if a jail sentence is contemplated, the court will appoint counsel." If a parent is

indigent based on a JDF 208, CJD 04-04 IV C 1 b allows appointment of contempt counsel for either the parent or the student. This is paid for by SCAO through each judicial district.

CONTEMPT

- Some school districts don't file them at all. For locations that do post-VCO reviews, this mostly works but also present's challenges when reviews and creative solutions are not working.
- Some, it is the only type of court hearing held. (See, VCO above)
- Some judicial officers believe the statute Only authorizes punitive sanctions. (No remedial is permitted because of case law that suggests you cannot remedy a past failure to attend).
- Some believe the statute promotes (if not requires) remedial sanctions. The statute refers to Rule 107, which suggests all forms of Rule 107 contempt are available. The statute also contains language like "community service, … community activities, participation in services for at-risk students, … and other activities having the goal of ensuring that the child or youth has an opportunity to obtain quality education", and "twenty-five dollars per day or confine … until the order is complied with". See, 22-33-108(7)(b) for students and (8) for parents. This statutory language seems to support remedial options.
- For those that focus on remedial sanctions or "focus on the purge" acknowledge that community service and other creative solutions do not really accomplish a "purge" because the student doesn't really hold the keys to the jailhouse door. (This acknowledgment may make the point of others that only punitive is allowed. But most locations will continue to do these types of solutions are recommended and we're supposed to try to help). See below for creative solutions.
- Absent statutory or rule clarification, there is debate about whether all possible sanctions under Rule 107 are available and 22-33-108 lists only suggestions, or whether the 22-33-108 list establishes limitations and exclusive remedies for truancy contempt.
- See below (closing) for ending a contempt.

CREATIVE SOLUTIONS and INTERMEDIATE SANCTIONS

Whether prior to issuing a VCO (as part of an incentive or pre-trial review approach), after a VCO (with a review approach), or as part of ongoing contempt reviews, some of the following creative solutions have been shared. All judicial officers are frustrated, regardless of their approach. Judicial officers generally believe they have little power outside of contempt sanctions (other than the depth of their motivational interviewing and coaxing skills). Some try every motivational interviewing technique they can muster and use positive reinforcement to support better attendance. But in the end, judicial officers feel impotent.

- Take away the phone / device / connection privileges (when parents will not).
- Take away cosmetics or clothes or shoes (or something the student cherishes).
- Make the student sit in court in person on truancy days or other docket days (works well for locations that do truancy weekly or 2x/week). "You might as well come in here and sit with me while you're not going to school."

- Order the parent to attend class with student. (This seems to amplify the shame of non-attendance).
- Require the student to say out loud to the parent, "I don't care if you go to jail" or "I don't care if you lose your job". (This feels a very benevolent and shameful, but seems to work in some cases).
- Require another student to "escort" the truant from class to class. (Again, shame).
- "Since you're not going to school anyway, I order you to not change your clothes and wear the same outfit every day that you don't go to school" (and order the parents to enforce this by no washing the clothes).
- Rocket docket – high performers get to go first on an appearance docket, or are allowed to appear virtually.
- Study Table (appear in the courtroom, or courthouse with district tutors available to help with schoolwork – this is more about credits / credit recovery than attendance).
- Community Service (but see Contempt above).
- A graduation or "break up" party at the end of a case (with cake, pictures, and a gift) as an incentive.

Whether to allow or promote these types of solutions has been a significant discussion in the truancy rules sub-group. Most judicial officers have a strong voice that these be expressly permitted in the rules, or at least blessed in comments. Judicial officers would suggest not limiting or restricting these options. Allowing these types of options would not negatively affect those judicial officers who believe these are inappropriate; they would simply not use them.

Related to contempt (see above), while many locations like to explore and use creative options, there is acknowledgement that they might not be legal or authorized. Before a contempt, the statute is truly silent about the procedure for, or ability to use, these. That is why judicial officers who use them want the rules to at least acknowledge their use. In locations where these creative solutions are used as remedial sanctions, it is acknowledged that using these options more than once (over and over, or adjusting them with each subsequent review) may not be allowed and might be an illegal use of remedial sanctions under case law.

Regarding incentives, there is no express funding for this. At least two judicial officers provided incentives (including parties) out of their own pocket. Some incentives are provided or supported by the school district.

CLOSING / ENDING A TRUANCY

When / how to close or end a truancy case.

The legal definition of habitually truant is missing 10 days in a year. For 160 contact days for high school, that's approximately a 6.25% truancy rate. Most school districts that file truancy won't do so until the student is around 30% truant or more. So, by then, the student is more like "wildly truant". Then the question is whether or how to be successful.

- Set a goal at adoption of the VCO (increase attendance or reduce truancy by X%), and a goal could include a reward or incentive.

- Review and mark progress for a limited time (limit the number of court appearances before requiring a contempt, or just closing as not successful).
- A percentage of truancy for a period of time. E.g. if three review hearings at 10% truancy or less and the case or contempt will end; some locations use 20% (and rely on the school district to "finish the job" without further hearings).

Those that do contempt, sometimes upon success the district will dismiss the case in its entirety. Alternatively, some locations will "withdraw" the contempt (or discharge the citation) and keep the VCO in place for possible future contempt.

MAGISTRATES AND CONSENT

The new proposed truancy rules mirror recent changes to the Rules for Magistrates (CRM) by providing that magistrates may preside over truancy cases without consent. My issue with this is not about the truancy rules, rather the CRM (and the civil rules committee).

Most locations believe that magistrate consent is necessary I truancy. Accordingly, they still advise and obtain consent at the "adjudication" phase (summons return on the Petition) pursuant to 19-1-108(3)(a.5). Most locations continue to do this notwithstanding the recent rule change to CRM. One location, relying heavily on footnote 4 of People v. S.X.G., 2012 CO 5, 269 P.3d 735 (Colo. 2012), believes that truancy cases are statutorily authorized to be in juvenile court, and that such statutory authority of the juvenile magistrate is not conditioned upon the consent of the parties. Accordingly, that location does not advise or request consent pursuant to 19-1-108(3)(a.5).

Now that the CRM added Rule 6(d)(1)(A) (providing that no consent is necessary for determining a petition in a truancy case), there may be a conflict between the rules and statute.

The truancy statute provides that "courts having jurisdiction over juvenile matters in a judicial district shall have original jurisdiction over all matters arising out of the provisions of this article." See, 22-33-108(1). The Children's Code provides that juvenile courts have exclusive jurisdiction over "determination concerning a [truancy] petition … and to enforce any lawful order [in a truancy case]". See, 19-1-104(1)(k). Magistrates in juvenile cases are governed by 19-1-108 which provides, "[d]uring the initial advisement of the rights of any party, the magistrate shall inform the party that … the party has the right to a hearing before the judge in the first instance …". See, 19-1-108(3)(a.5).

Locations that still believe consent is necessary rely on two things: 1) The constellation of statutes suggests that parties in a truancy matter have the right to be heard before a judge, at least in the determination of the petition. Therefore, they must be advised and waive their right to be heard by a judge (or otherwise give consent). 2) a rule cannot trump a statute.