

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0337.01 Richard Sweetman

**HOUSE BILL 11-1053**

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**HOUSE SPONSORSHIP**

**Solano, Massey**

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**

Education

Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING COURT PROCEEDINGS INITIATED TO COMPEL A MINOR TO**  
102 **ATTEND SCHOOL.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The initiation of court proceedings against a minor who has committed no offense other than truancy from school or against a parent of such a minor to compel compliance with the compulsory attendance statute shall not be required of any school district.

The bill removes statutory language authorizing a court to hold a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

parent of a truant child in contempt of court and to impose a fine of up to but not more than \$25 per day or confine the parent in the county jail until he or she complies with a court order.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The best practice for addressing truancy is a graduated approach that includes early intervention; and

(b) Certain school districts and courts have worked cooperatively to design a continuum of approaches that have demonstrated success in reducing truant behavior.

(2) The general assembly further finds that the detention and incarceration of minors who have committed no offense other than truancy from school:

(a) Confines within the state juvenile justice system minors who have committed no criminal offenses and who may be physically and emotionally unprepared for the stress of this system; and

(b) Contributes to the case loads of the courts.

(3) The general assembly further finds that the power of the court to sanction minors for contempt, including sanctions of detention and incarceration, is an inherent power of the court that may not be abrogated by the legislature pursuant to article III of the state constitution.

(4) Now, therefore, the general assembly hereby:

(a) Encourages courts to consider detention and incarceration as a last resort approach for addressing the problem of truancy;

(b) Encourages school districts to:

(I) Consider the initiation of judicial proceedings as a last resort

1 approach for addressing the problem of truancy; and

2 (II) Explore options for addressing truancy that employ best  
3 practices and research-based strategies to minimize the need for court  
4 action and the risk of detention orders against a child or parent.

5 **SECTION 2.** 22-33-108 (5) and (7) (a), Colorado Revised  
6 Statutes, are amended to read:

7 **22-33-108. Judicial proceedings.** (5) AS A LAST-RESORT  
8 APPROACH FOR ADDRESSING THE PROBLEM OF TRUANCY, TO BE USED ONLY  
9 AFTER A SCHOOL DISTRICT HAS ATTEMPTED OTHER OPTIONS FOR  
10 ADDRESSING TRUANCY THAT EMPLOY BEST PRACTICES AND RESEARCH-  
11 BASED STRATEGIES TO MINIMIZE THE NEED FOR COURT ACTION AND THE  
12 RISK OF DETENTION ORDERS AGAINST A CHILD OR PARENT, court  
13 proceedings shall be initiated to compel compliance with the compulsory  
14 attendance statute after the parent and the child have been given written  
15 notice by the attendance officer of the school district or of the state that  
16 proceedings will be initiated if the child does not comply with the  
17 provisions of this article. The school district may combine the notice and  
18 summons. If combined, the petition shall state the date on which  
19 proceedings will be initiated, which date shall not be less than five days  
20 from the date of the notice and summons. The notice shall state the  
21 provisions of this article with which compliance is required and shall state  
22 that the proceedings will not be brought if the child complies with that  
23 provision before the filing of the proceeding.

24 (7) (a) If the child does not comply with the valid court order  
25 issued against the child or against both the parent and the child, the court  
26 may order that an investigation be conducted as provided in section  
27 19-2-510 (2), C.R.S., and the court may order the child to show cause

1 why he or she should not be held in contempt of court. The court may  
2 include as a sanction after a finding of contempt an appropriate treatment  
3 plan that may include, but NEED not be limited to, community service to  
4 be performed by the child, supervised activities, PARTICIPATION IN  
5 SERVICES FOR AT-RISK STUDENTS, AS DESCRIBED BY SECTION 22-33-204,  
6 and other activities having goals that shall ensure that the child has an  
7 opportunity to obtain a quality education.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety.