



Denver Juvenile Court Handbook

**How to Help Your Child In A Delinquency Case:
A Handbook For Parents And Guardians
Participating In Denver Juvenile Court**

This Handbook belongs to: _____ **Case #** _____

**This handbook is for informational purposes
only and does not provide legal advice.**

**Denver Juvenile Court
520 West Colfax Avenue
Denver, CO 80204
303-606-2307**

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Dear Parent and Guardian,

Denver Juvenile Court, which began in 1903 is the second oldest juvenile court in the country. We are proud of its long tradition of helping children who are charged with delinquent acts.

Parents and guardians are too often overwhelmed with anxiety and lack important information about this process. The juvenile justice system is complicated and can seem very difficult to understand. Hopefully, this handbook will reduce your fears and increase your knowledge. This handbook is made available to protect your own interests, not just your child's.

We want to empower you in helping your child through the court system by providing you with this important information about Denver Juvenile Court. We recommend that you bring this handbook with you each time you come to court. While we can't offer legal advice, we want you to have a better understanding of what juvenile court is--and is not--so that you can make the best use of your time and have a deeper engagement in the process.

The services of Juvenile Court are different than court for adults because we handle each case on an individual basis and apply the law based on the child's individual circumstances. The goal of Juvenile Court is to balance between rehabilitation, accountability and community protection.

Your child appears in Juvenile Court because they have been accused of unlawful behavior. Your child—not you—will be judged and held accountable for their actions. Your child's lawyer is not your lawyer.

As legal guardian, you have a voice and you will be heard. You also will be held accountable for your actions during the court proceedings. Your role is very important to how well your child does going through Juvenile Court. Through your active participation, respectful conduct and cooperation, you can provide the greatest source of positive support for your child. We want the very best outcome for our youth and our community.

Judge Elizabeth (Libbie) McCarthy
Presiding Judge
Denver Juvenile Court

About this Handbook

This handbook is specifically created for parents and guardians of children participating in delinquency cases.

Purposes:



To explain the rules and policies of the court and what is expected of you.



To introduce you to the people involved in the court process.



To help you find your way around.



To provide a guide for helpful resources.



To provide answers to frequently asked questions.



To provide pages for you to write on so that you can stay organized.

Make this handbook work for you. You can read the handbook section by section or you can begin anywhere. You may wish to look up specific questions as they occur to you. If you see a word you don't know, there is a glossary with definitions of terms to get a basic understanding of the concept. We realize that this handbook does not cover every situation in your child's case, but we hope that it covers the most important and commonly experienced situations. Ultimately, we hope it will assist you in achieving a level of comfort with this process. We also hope it helps your child be successful at home, school, and in the community. Bring this book with you every time you come to court.

THE MOST IMPORTANT THINGS YOU CAN DO TO HELP YOUR CHILD

Try to stay calm throughout this process. After all, very important decisions about your child will be made. The best way to be involved in this process is to remain calm whenever possible. This will allow you to understand what is going on and how you can assist your child. Make sure to also take care of your own physical and emotional health as much as possible. This can help your child as well.

*Stay
Calm*

*Be
Informed*

The more you know about your child's situation, the more you can help. Parents and guardians have the potential to be the greatest source of positive change and support for their children. Since you may know your child better than anybody else and are his or her first line of defense, it is critical that you be well informed.

Focus on the best interests of your child. Emphasize your child's strengths and goals as much as possible. At the same time, prepare for possible emotional challenges such as fear, sadness, and frustration. Don't give up. Your child is depending on you.

*Stay
positive*

*Write
it Down*

Listen carefully and take notes. You will want to recollect what people say in the courtroom, so you can remember to ask questions when it's your turn. Use this handbook to keep track of all the dates, names, phone numbers, and address, so it's all close at hand--and in one place. You're going to need it.

Map out directions, or public transportation schedules. Check on weather conditions or possible traffic delays. Parking can be limited, especially during the early morning hours. Allow at least 30 minutes to find parking. The court hearings take place on the second floor of the Lindsey-Flanigan Courthouse at 520 West Colfax Avenue. Allow 15 minutes to go through the courthouse security. If you are running late, contact your child's lawyer and the court clerk immediately to let them know you are delayed and your expected time of arrival. Be aware that if you're late, the court can and will hear the case without you.

*Be On
Time*

-Before- **THE HEARING**



What should you wear to court?

Appropriate attire is important
in the courtroom. Avoid wearing
these types of clothing:



Do not wear
**GANG COLORS
OR GANG ATTIRE**



Do not wear
**T-SHIRTS WITH
INAPPROPRIATE
MESSAGES**



Do not wear
**HATS OR
SUNGLASSES**
(Except for religious
or medical purposes)

Have permission to appear virtually?

Webex Courtroom Information:

**To appear by phone, please dial (720) 650-7664 and enter the
meeting code for the assigned judicial officer**



**Courtroom 2C-
Magistrate
Courtney Denson
Meeting Code:
927 271 400 ##**



**Courtroom 2D-
Magistrate
Andrew Price
Meeting Code:
929 615 391 ##**



**Courtroom 2E-
Judge
Lisa Gomez
Meeting Code:
2660 761 2369 ##**



**Courtroom 2F-
Judge
Laurie Clark
Meeting Code:
925 857 067 ##**



**Courtroom 2H-
Presiding Judge
Elizabeth (Libbie) McCarthy
Meeting Code:
925 175 257 ##**

WHEN YOU *ENTER* THE COURTHOUSE



You will be required to go through *the security screening station* when you enter the building. Security staff will require a search of all possessions. Pockets are emptied, belts and jackets need to be removed, and you will pass through a metal detector. Any dangerous item or potential weapons will be confiscated. This process can take awhile to complete so plan accordingly.



Food and refreshments are available on the 1st floor on the far south side of the building. This area is directly across from the Denver Juvenile Court Clerk's Office (Room #125). Vending machines are available on the 2nd and 3rd floors. Drinking fountains on the 2nd floor are located on the south side of the building. Restrooms are located near the elevators on the 1st and 2nd floors.



Arrive early, with everything you need. Bring a pen and paper. Make sure your paperwork is organized. Check the schedule on the screen outside the courtroom to check the location. If lost, go to the Juvenile Court Clerk's office in Room 125 and ask the location of the hearing. There is also an *information booth* on the first floor.

- *Additional* - **REMINDERS**



TURN OFF YOUR CELL PHONES AND OTHER ELECTRONIC DEVICES



NO RECORDING OF PROCEEDINGS AND ABSOLUTELY NO PICTURE TAKING DURING COURT



IF THE COURTROOM DOOR INDICATES A CLOSED HEARING, WAIT OUTSIDE THE COURTROOM UNTIL NOTIFIED TO COME IN



ENTER THE COURTROOM QUIETLY



LET YOUR CHILD'S ATTORNEY KNOW YOU ARE PRESENT



IF YOU NEED A LANGUAGE INTERPRETER OR HEARING IMPAIRED EQUIPMENT, NOTIFY YOUR CHILD'S ATTORNEY OR THE COURT CLERK

-During- THE HEARING

Certain behaviors are required while you are in court. This behavior is either necessary to manage cases or is considered respectful of the court. Below are some important reminders.

1

Stand



When the docket starts and the judicial officer arrives, everybody in the courtroom stands up.

2

Case Intro



The judicial officer or one of the professionals introduces the court case that will be called. If your child is in detention, the sheriff will accompany him/her into the courtroom.

3

Appearing



A child in custody may be wearing handcuffs for security purposes. You will usually sit next to your child's attorney. They will be seated next to your child. All professionals will be asked to identify themselves and state their connection to the case.

4

Discussion



The involved professionals will present their positions to the court on the relevant issues. There may be times when the professionals will approach the judicial officer for a bench conference. When this happens, the discussion is about a sensitive subject and should not be heard by others in the courtroom.

Who May Be In The Courtroom



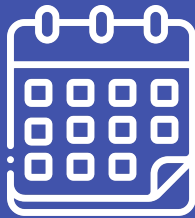
Bailiff

Keeps order in the court and escorts detained children in and out of the courtroom



Caseworker

The caseworker is an employee of the county department of social services. They may be involved to address any issues regarding placement and getting access to appropriate services that can help your child and family. Additionally, they may also investigate any safety issues within the home. They will also make recommendations to the court regarding your child's welfare.



Court Clerk

Makes sure the judicial officer has your child's court file and keeps track of the events taking place in the case. The clerk also manages the calendar for future court dates



Defense Attorney

Your child's attorney works for your child. This means the attorney's "client" is your child, not you. Because if this, the attorney may talk privately with your child and may decide to handle the case in a way you disagree with. If that happens, you can talk with your child and your attorney but you will not be able to make the final decision.



District Attorney

Represents the interests of the People of the State of Colorado. They determine exactly what charges to file. They also participate in plea negotiations. At trial, they are entrusted with the responsibility of proving the elements of the offense(s) that your child is charged with. They also make recommendations about other relevant issues.



Guardian ad Litem (GAL)

A GAL is an attorney appointed by the court to represent the best interests of the juvenile. A GAL may be appointed when the child appears without their parents/guardians. There may also be instances when the child and parent(s)/guardian(s) have significant conflict or a conflict of interest (ex: a parent/guardian is considered to be a victim) relating to the facts of the case.



Judicial Officer (Judge or Magistrate)

Their job is to be responsible for making the official decisions regarding your child.



Pretrial Release Case Manager

They investigate and report back to the court concerning how your child is doing on pretrial release supervision. They are also known as Detention Reduction Program (DRP).



Probation Officer

This is the individual that supervises your child after the sentencing hearing. They also make recommendations to the court concerning any relevant aspect of your child's case.

Other Tips

Always be honest with the court. Always keep in mind that if you lie in court, you can get in serious trouble. If you do not understand something or are confused about what you are required to do, ask questions to the court or your child's attorney.

Honest

Courteous

Address the judge or magistrate as, Your Honor. It is courteous to address others as Mr. or Ms.

You are expected to treat others in the court respectfully. It is not respectful to yell, curse, or interrupt someone when they are speaking. Don't lose your temper. Be willing to admit mistakes and to apologize. Do not bring other individuals such as, friends, siblings, or cousins, to the court if they should be in school and/or will be disruptive to the proceedings.

Respect

Listen

Listen carefully to what everyone says in the courtroom and wait to speak until it is your turn. Take notes so that you can have a recollection of what the other person is saying and to help with your own statements.

When you speak in court, talk clearly and slowly. Get to the point because the court has limited time to hear any case. Your words are being recorded, either by a machine or a person. If you mumble, speak too quickly, too softly, or answer by shaking or nodding your head, the official court record will not be accurate. Always keep in mind that if you lie in court, you can get in serious trouble.

Clarity



Denver Juvenile Court

Rules of Engagement

- 1. We are all professionals who have different but equally important roles, everyone must act respectfully to each other.**
- 2. Counsel are advocates and have professional responsibilities, professionals are to understand, not take things personally, and assume positive intentions.**
- 3. All parties are to share relevant, non-privileged information in a reasonable time prior to the court hearing, which includes any reports or updates regarding the youth or family.**
- 4. Unless it is an emergent issue, parties must discuss issues with other professionals prior to bringing it up on the record. This may necessitate parties stepping out into the hallway to discuss an issue prior to raising it with the Court.**
- 5. If you have discussed something with a caseworker or pretrial, that does not mean the information has made it to the City or District Attorney, they must also be given notice.**
- 6. Rules of engagement apply to out of court meetings, communications, and staffings.**
- 7. Rules of engagement apply and include all case professionals. Everyone who is part of the team has value and is to be included.**
- 8. Court orders are to be complied with.**
- 9. Court is to hold parties accountable for orders that are not complied with.**
- 10. Families and youth are the priority, we are all working towards stabilization and successful outcomes. We must focus on what steps are needed to continue to move forward toward that outcome.**

- After -

THE HEARING



Once the court has decided that the hearing has ended, **do not continue talking**. Continuing an effort to persuade the court, or anyone else in the case, to do what you want will not help you, and it could get you fined or put in jail.



Make sure you have the next court date. Write down any other important dates, such as appointments with involved professionals. Do not forget to **write down reminders** of anything you are ordered or have agreed to do. Paper and pens should be available in all courtrooms.



All professionals need your **current contact information**. Before you leave the courtroom, make sure you have the name and number (ask for a business card) of all professionals involved in your child's case.



Exit the courtroom so that you do not disturb others. Be sure to grab all personal belongs.



If you do not have all the information you need when the hearing is completed, you may want to obtain a "minute order" from the Clerk's Office in Room 125. The clerks have 72 hours to complete these orders. These orders will recite the official results of the hearing. When you contact the Clerk's Office, have your child's **case number and your identification available**. You may be asked for it every time you contact their office.

Frequently asked questions (FAQs)

Q- What should I be aware of if my child is in detention

A- Detention is the temporary care of a child who requires secure custody in a physically restrictive facility. If your child is detained, it is likely that he/she will be at Gilliam Youth Services Center ("The Gil"). This facility is located at 2844 Downing Street, Denver, Colorado 80205. It is a Division of Youth Corrections state owned and operated detention facility. It is a 64-bed facility for males and females ranging in age from 10 to their 18th birthday. Medical and mental health professionals and special education specialists are also available at Gilliam. In addition to receiving programming designed to teach youth to become responsible and productive citizens while keeping the community safe, it is also a Denver Public School site where students can make academic progress toward a diploma or participate in the school's GED program. It is also the location of the Denver Collaborative Partnership (DCP) staffings.

Q- What should I let the detention facility know concerning my child?

A- You should tell the detention facility staff about any disabilities your child has, such as reading, writing, memory difficulty, anger control issues, depression, or anxiety. You should also tell the detention facility staff about any ongoing medical conditions (asthma, diabetes, etc.) your child has. If your child requires medications in detention, make sure you deliver an adequate supply. Make sure to get a copy of the rules and policies at Gilliam.

Q- What should I expect when I communicate with my child in detention?

A- Be prepared to see him/her wearing detention clothing. Your child may also be upset because they are in detention. He/she may take his or her frustrations out on you. Do your best to be a caring and supportive parent or guardian during this time period. When visiting, you will need to leave cell phones and other valuables in a nearby security locker. Thereafter, you will pass through a metal detector. The lobby area has vending machines and restrooms. Consistent with the facility's guidelines, stay in touch with your child when you are not able to visit by writing and/or speaking on the phone. Make sure your phone number is on the approved list of your child. Watch for "unknown" caller ID incoming calls so you can answer your child's calls. Your child's behavior in detention could affect what happens in their case. You may think your

child will learn a lesson if he/she stays locked up for awhile. However, staying in detention is serious and can be difficult. This is a very challenging time, and he/she needs your support.

Q- What is the difference between a magistrate and a judge?

A- The most important thing to know regarding the difference between a judge and magistrate is magistrates in juvenile court cannot hear jury trials or transfer hearings.

Q- What if I am considered to be a victim in my child's case?

A- If you are an alleged victim of your child's action you may have the right to victim services through the District Attorney's office and fair notice under the VRA (Victim Rights Amendment). In these types of situations, a Guardian ad Litem is usually appointed in the case to express perspectives on relevant issues.

Q- During the case, can the judicial officer order me to do or not do things that affect my child?

A- Yes. Under the law, a judge or magistrate can issue an Order of Protection that establishes reasonable conditions of behavior to be observed for a specified period by the parent and/or guardian. These types of orders are made to protect the best interests of the child. A person failing to comply with an Order of Protection without good cause may result in a contempt of court charge.

Q- Should I talk to my child about their case?

A- You should not discuss the facts of your child's case with your child because it could negatively affect his/her legal situation. If you know something important about your child's case, talk to his/her attorney first.

Q- What should I do if my child runs away?

A- Call law enforcement and the involved professionals immediately.

Q- What could happen if my child is a non-citizen/undocumented immigrant?

A- Under these circumstances, if your child is adjudicated with a felony, drug charges, or a crime of moral turpitude, it may result in his/her deportation from the United States of America and exclusion from reentry into this country. For legal advice related to this issue, you can contact the Rocky Mountain Immigrant Advocacy Network (RMIAN) at (303) 433-2812.

Q- What if my child has Native American heritage?

A- It is important to communicate this information to one of the involved professionals. There may be special rules that apply to your child's case.

Q- How can I learn more about the law that applies to my child's case?

A- No one in the courthouse is allowed to give you legal advice, although court staff may be able to answer questions about forms and rules. The Colorado Revised Statutes (the laws) and court rules are available in print in the reference section of most public libraries. The Colorado State Judicial Branch website also has a link to the online statutes and rules (at www.courts.state.co.us). The contact information for the law library at the Supreme Court building is located on page 18.

Q- Are juvenile court records confidential?

A- Juvenile court records are not available to the public without a court order. However, there are exceptions and therefore confidentiality cannot be assured in all situations.

Q- What can be done to keep my child's juvenile record as confidential as possible?

A - With certain exceptions, there is a right to petition for expungement of juvenile court records. Expungement, under Colorado law, means that the record is treated as if it had

never existed, except that the juvenile's basic identifying information will remain open to the district attorney, local law enforcement, and the Department of Human Services. The probation department and the court will also have access to expungement information should there be a conviction and sentencing on another case. A person initiates the process by filing a petition for an Order of Expungement in the clerk's office. There is no cost to file this petition. The juvenile probation department can also initiate expungement proceedings. There are specific timelines that are authorized for different types of cases. After a hearing, the court may expunge all relevant juvenile records held by the court or any administrative agency or official.

Q- Will my child's adjudication effect their future?

A - Although juvenile court proceedings are considered to be civil (not criminal) cases, they can have serious future consequences for you and your child. For instance, the consequences of an adjudication can limit your child's access to education, military service, public benefits and restricting employment opportunities.

Q- How can I be more organized in order to help my child?

A - In addition to using this handbook, you can remain organized by creating a folder where you can keep paperwork (court documents, letters, and other correspondence) relating to your child's case. Keep track of all the telephone calls by writing down who you talked to, the date and time you spoke with the person, and what happened during the conversation. If an involved professional is not available when you call, leave a message. Don't forget to include how you can be reached, a time you will call back, or some way for them to get in touch with you. Your child's case can move very fast. You have to keep up. Bring this handbook to each hearing. When you learn important information about your child's case, keep reviewing it. Repetition can help remind you what you have already learned.

Notes

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

-TYPES OF- Hearings

Detention Hearing

After your child is arrested, a detention hearing will be scheduled to determine if there is probable cause for him or her to be detained further (unless probable cause has already been established by a judicial officer) and to indicate what the conditions of release (if appropriate) should be. It is also an opportunity for the judicial officer to advise your child of his/her legal rights unless the assigned attorney decides that is not necessary. If your child is in detention, the public defender's office will automatically represent your child at this hearing.

Tip: If you are concerned about your child's ability to understand what is happening in the courtroom due to mental health or other concerns, you should discuss this issue with your child's attorney as soon as possible. In this type of situation, it would also be very helpful if you could gather and bring to court your child's relevant medical and mental health records.

How will the judicial officer decide if my child should leave detention and go home?

The Court will consider:

- If there is a parent, guardian or other responsible individual who can provide your child with basic necessities like food and a home.
- If your child's home is a safe and stable place where his/her emotional needs can be met.
- If your child is willing and able to follow your rules in the home.
- For more serious offenses (such as those involving weapons charges) there is a presumption that he/she is a danger to themselves and/or the community.
- If the court determines your child poses a substantial risk to community safety, they will remain in custody until that danger can be mitigated.
- If there's a reasonable likelihood that your child will come back to future court dates. On this point, the Court will consider if our child has attended and been on time for all prior court hearings, has not run from your care or the care of another, and has been

attending school and/or a job regularly.

How can I help in this type of situation?

You can talk to the judicial officer about what you think is the best place for your child to live while his/her case is going on. If you want your child to be released to your care, you can tell the Court about the supervision and/or restrictions you plan to put in place. If you think your child should continue to be detained, you can explain your reasons to the Court. The Court will allow you and all the interested professionals to express their thoughts concerning whether your child should be released. The Court makes the final decision. If the Court does not release your child, the issue can usually be discussed at future hearings.

Tip: If the child cannot go back to live at your residence, you may wish to indicate whether there are any other relatives/family friends that are placement options. If so, bring their contact information to the Court.

What if I want my child to leave detention but I also want him/her to be formally supervised?

The Court can make an investigation referral and/or order the pretrial release program to become involved in your child's case. This would be done instead of posting a bond. If the Court orders the pretrial release program to supervise your child in the community, your child will be expected to comply with their program requirements. Some components of the pretrial release program's supervision may include telephone communications, office visits, home visits, school visits, drug testing, mental health or substance abuse treatment, counseling, electronic or global position monitoring, work release, and day reporting services. If your child violates the terms of the supervision agreement, the pretrial release program's case manager can bring this to the attention of the Court and your child may be placed back into detention.

My child was not detained but was given a summons. What happens when he/she first goes to court?

When a child receives a summons, the child's first court date is called a First Appearance or Advisement Hearing. This hearing addresses any relevant court-related issues and a future court date is scheduled.

What is an MPO (mandatory protection order)?

In all relevant cases, the judicial officer will issue a mandatory protection order against the juvenile restraining him/her "from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of 'the act indicated in the petition'". The Court may also order that your child have no contact with the alleged victim in the case. The protection order, issued on a standardized form and provided to the protected parties, remains in effect until the final disposition of the case. t

Return Filing Hearing

At this hearing, a delinquency petition will be filed or the district attorney will inform the Court that no charges are being filed. A petition is the document that contains the specific charge(s) against your child. It will indicate what your child is accused of doing. If a petition is filed, another area of discussion will be the appointment of a defense attorney for your child.

What else happens at the Return Filing hearing?

The court may set the matter for an appearance of counsel or appoint the public defender or alternative counsel in the child's best interest without the need to fill out an application. The matter may be set for an appearance of counsel hearing, preliminary hearing or status conference depending on the request of the attorneys on the case.

Appearance of Counsel

The court may appoint the public defender in the child's best interest without the need to fill out an application or set the matter for an appearance of counsel hearing to allow the family to apply for the representation of the public defender.



Parties can go to room 110 in the courthouse between the hours of 8-10 to apply or apply via the internet at <https://www.coloradodefender.com/for-clients/applying-for-a-public-defender/>

What happens if my family does not qualify for public defender services but I can't afford a private attorney?

If the juvenile requests counsel and the parents do not qualify for representation by the public defender and refuse to hire counsel, the Court will appoint the Public Defenders office on a parental refusal basis at no cost to you. An attorney from the Office of the Alternate Defense Counsel may be appointed as counsel for your child in certain circumstances such as when the Public Defender's office represents a codefendant in your child's case.

Preliminary Hearing

If your child is accused of a more serious offense, he/she is entitled to a preliminary hearing ("PH"). The purpose of this hearing is to determine whether there is probable cause to believe that your child committed the delinquent act(s) alleged in the petition. At this hearing, witnesses may be called. If the Court determines at this hearing that probable cause does not exist, the delinquency petition will be dismissed. For strategic reasons, such as when the District Attorney's office makes an offer to reduce the charges, defense counsel may decide that the preliminary hearing should be waived (that it should not take place).

Status Hearing

The next hearing may be a status conference that is designed to avoid delays and keep the judicial officer informed of relevant issues to be resolved in preparation for the next hearing.

Your child may decide to settle his/her case without a trial through plea negotiations.

If this happens, a Rule 3 advisement form needs to be read, understood, signed, and submitted to the Court. You will also be asked to sign this paperwork.

This form identifies the legal rights your child is giving up in negotiating a plea. It also indicates the possible consequences after a plea is made. The Court will also ask your child questions which are designed to make sure that he/she is intelligently and voluntarily entering into the plea negotiations. The Court will also ask you whether you are in agreement with your child's plea.

One possible result of a plea negotiation is an agreement for a deferred adjudication. Under this type of agreement, a juvenile makes a guilty plea and is placed on supervision with the probation department for a period of time. The guilty plea is withdrawn and the case is dismissed if he/she satisfactorily completes the terms and conditions of supervision. If the juvenile is not successfully complying with the terms and conditions of supervision. If the juvenile is not successfully complying with the terms and conditions of probation, a Motion to Adjudicate would be filed with the Court. At this point, the Court will determine if the terms and conditions have been violated. If the Court determines that a violation exists, a sentencing hearing will follow.

After a guilty plea is entered or a child is found guilty at trial, you will be directed to the Probation Department's office located in Room 210 of the courthouse. You and/ or your child will be asked to complete a questionnaire in preparation for a PreSentence Investigation (PSI). An interview with the child and caretaker will also be scheduled. If your child is in custody, the probation officer will meet your child at his/her location. You will also be contacted to schedule a date and time for an interview. The Pre-Sentence Investigation recounts the history of your child and family. This written report also makes sentencing recommendations to the Court.

Pretrial Hearing

If your child chooses not to enter into plea negotiations, the Court will likely schedule a pretrial hearing to address the status of the case, including relevant legal issues that need to be addressed before the trial takes place.

Adjudicatory Hearing

The adjudicatory hearing is another name for trial. A juvenile may have a jury trial if he or she is charged with a very serious offense. In less serious cases, your child would have the right to a court trial, which would be heard by a judicial officer. At the adjudicatory trial, there is a presumption of innocence. The Court receives evidence and hears testimony from witnesses and hears arguments from the prosecution and defense to determine whether the prosecution has proven beyond a reasonable doubt that your child is guilty of the act(s) alleged in the petition. Your child cannot be forced to testify. If the allegations are not proven beyond a reasonable doubt, the case may be dismissed. If your child is found guilty at the adjudicatory hearing, a sentencing hearing will be scheduled.

Sentencing Hearing

The sentence to be imposed is entirely up to the Court. The Court can impose numerous options including the following:

- A detention sentence not to exceed 45 days
- Out of home placement
- Placement of custody with a relative or suitable person
- Physical or mental examination and treatment, including placement in a hospital or other facility

-TYPES OF- Hearings

- Commitment to the Division of Youth Corrections
- Supervised work program
- Community service
- Anger management, therapy or any other appropriate treatment program
- Victim empathy classes
- Participation in restorative justice practices (except for offenses involving domestic violence or unlawful sexual behavior)
- Probation community accountability program
- Alternative services
- Restitution
- Genetic (DNA) testing

Can my child's DNA really be taken?

Yes, under certain circumstances.

These circumstances include:

- If he/she is sentenced for an offense that would constitute a felony if committed by an adult.
- If granted a deferred adjudication for a felony that is later revoked and a sentence is imposed.
- If sentenced for an adjudication of, or received a deferred adjudication for, an offense involving unlawful sexual behavior or for which the underlying factual basis involves unlawful sexual behavior.

How long can my child be sentenced to a commitment to the Division of Youth Corrections (DYC)?

The Court may commit any juvenile who is adjudicated for an offense that would constitute a felony or a misdemeanor to the Division of Youth Corrections, and the period of commitment will not exceed two years. A longer period of commitment can be ordered in more serious cases. If your child is ten or eleven years old, a DYC commitment is only possible if they are adjudicated for an offense that is a class 1,2 or 3 felony.

Is boot camp available?

While there is not a traditional boot camp option available at the present time, there are numerous residential programs that strongly emphasize structure and rule compliance.

How can I help my child at the sentencing hearing?

You can express your honest thoughts to the Court concerning what sentence will best help your child to do well in the future. If you think your child would benefit by having the Court know more about them, you can talk about your child's strengths and areas which need to be improved. You may also wish to show the judicial officer some documentation relating to your child's past accomplishments such as certificates or report cards. Make sure to show your child's defense attorney all documentation before submitting them to the Court.

Can the Court impose any obligation on me at sentencing?

Yes. As a general matter, through the Court's Parental Responsibility Order, you are expected to participate in the adjudication and rehabilitation of your child. Therefore, you are named as a respondent in the petition, summoned to court, and generally held accountable for the actions of your child. The Court MAY sentence the parents and/or guardians to participate in the following:

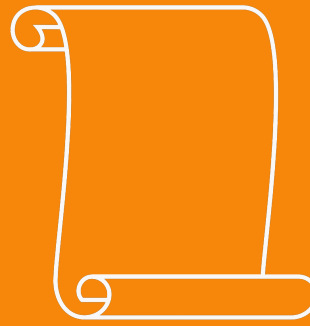
- Performing services to the victim designed to rehabilitate your child or to improve your ability to provide proper parental care and supervision.

- Attending parental responsibility programs and order proof of completion of such training courses. The purpose of these programs is to promote the physical, mental, social, emotional growth and development of your child by improving parental responsibility. It is expected that your participation in this program will teach your child about responsibility, prevent drug abuse, promote family functioning, and address psychological aspects of interpersonal and family relationships.
- Perform services for the victim if the victim consents in writing; except that the value of such services shall not exceed \$25,000 for any one delinquent act.
- Pay restitution in amounts of up to \$25,000 for any one delinquent act if you have not made diligent good faith efforts to prevent or discourage the child from engaging in delinquent activity.

It should be understood that if you violate any of the sentencing orders, it could result in Contempt of Court. Contempt sanctions may include jail time for parents. The Court also has the option of excluding you from any involvement in the treatment plan.

Can I be held responsible for costs associated with my child's out of home placement?

Yes, but through a different court. You could be ordered to contribute to the cost of placement outside the home. Your financial obligation for the cost of placement will be based on an assessment of your ability to pay. In circumstances where the parents have been victims of the juvenile's delinquent conduct, a court may still require the repayment of a portion of the costs associated with placing the child in a residential facility or foster care.



The judicial officer has just sentenced your child and you don't think it was fair. What can your child do?

Your child may be able to file an appeal or a Motion for Reconsideration. Your child's attorney can help you and your child understand whether or not this should be pursued.

What happens if my child is sentenced to probation?

Most juveniles are sentenced to probation. This time period is an opportunity for a child to prove that he/she can be safe and productive at home, at school, and in the community. Probation is a privilege not a right. The Court treats probation compliance very seriously. If your child does not comply with the terms of his/her probation, he/she runs the risk of having their probation revoked and experiencing serious consequences such as being placed in detention.

How can I be supportive during my child's probation period?

Keep track of your child's progress by keeping in close contact with your child's professionals. Be sure to ask them to contact you if something significant happens. If your child has special needs due to a disability, you can also help by effectively communicating all relevant information to his/her probation officer. This is important because your child should not be in violation of probation rules just because they could not comprehend the expectations. Clear and detailed communication about your child's issue(s) will help the probation officer better understand how he/she can be successful.

If my child is placed outside the home, are they considered to be on probation?

Unless your child has been committed to the Division of Youth Corrections, your child is on probation until the Court orders otherwise.

If my child is placed outside the home, what additional ways can I be supportive?

If your child is in a facility such as a group home, foster home, or treatment center, you should talk to staff members in the facility where he/she has been placed to ensure that your child

receives the services the Court ordered. If the Court authorizes contact with your child, you should see and/or otherwise communicate with him/her as much as the Court and the facility allows.

What takes place if my child is not following probation's rules?

If your child is in your care and not following probation's rules, you should talk with the probation officer as quickly as possible to develop strategies to help your child follow the rules and understand the importance of following the rules. If your child continues not to follow probation's rules, the probation officer can ask the Court to issue a bench warrant to have your child arrested and brought to detention. If this happens, the probation officer will prepare a Petition for Modification or Revocation of Probation. This Petition must be filed within five working days from the date your child is taken into custody.

What happens if my child is sentenced to probation in Denver but I live in another county?

In this type of situation, the Court will usually decide to order a change of venue to the county where you live. If that happens, your home county will assign your child's probation officer. Any court hearings will also take place in your home county.

How long will my child's probation period last?

It lasts until the Court orders that probation is completed, even if your child has reached the age of eighteen. The probation period may continue until all orders have been fully complied with. If your child is doing very well, it is possible that the Court will authorize an early release from probation.

What are the other types of hearings that my child may have?

Competency Hearing

You or an involved professional may bring the competency issue to the attention of the Court under certain circumstances. If there's a serious question whether your child has a mental or developmental

disability that prevents him/her from understanding their case, or being able to effectively communicate with their attorney, the Court may order a competency evaluation. A child cannot have a trial on the charges while they are incompetent.

Permanency Planning Hearing

The purpose of this hearing is for the Court to approve a permanency goal for the child that will result in a stable and permanent home.

Review Hearing

This is a hearing designed to have the Court check in on the well-being of your child. You should always come prepared to tell the Court how your child is doing in home, school, and the community. If a child is placed outside of the home, a review hearing is generally scheduled every 90 days.

Transfer Hearing

For certain serious offenses and if your child is old enough, a transfer hearing will determine if the case will be transferred to adult court.

In addition to the specific hearings listed above in this section, additional hearings can be scheduled for many other useful reasons at any stage of the case.



Additional Resources

Denver Juvenile Court Clerk's Office: (303) 606-2307
Denver Department of Human Services: (720) 944-3666
Denver Indian Resources Center: (720) 500-1020
Denver Juvenile Probation: (303) 607-7400
Gilliam Youth Services Center: (303) 291-8951
Pretrial Release Program: (720) 913-8980
Public Defender's Office: (303) 620-4999
TASC: (720) 913-4200

Glossary



- **Accessing Resources for Case Planning Help:** This staffing includes a multi-disciplinary team (MDT) of professionals from various agencies along with the family to discuss possible services.
- **ACRA:** See Adolescent Community Reinforcement Approach.
- **ADC:** See Alternative Defense Counsel.
- **Adjudication:** What appears on a juvenile record when a child enters a plea of guilty (without a deferred adjudication agreement) or is found guilty at an adjudicatory hearing.
- **Administrative Review:** A meeting that is coordinated every six months at the Denver Department of Human Service if a child is living outside of his/her home. Prior notification is provided to parent/guardian, placement providers, and Guardian ad Litem in order to discuss relevant issues in the case.
- **Adolescent Community Reinforcement Approach:** A program utilized through TASC that is designed to help your child develop better behavior.
- **Aggravated Offender, Mandatory Juvenile Offender, Repeat Juvenile Offender and Violent Juvenile Offender:** A category of cases, which are more serious and have more potential for severe sentencing consequences.
- **Alternative Defense Counsel:** This office will serve as defense counsel for your child if the Public Defender's office is, for some reason, notable to be involved.
- **ARCH:** see Accessing Resources for Case Planning Help.
- **Assessment:** A professional evaluation of a child's mental health, educational ability, or some other issue.
- **BCOP:** Beyond the control of parent.
- **Bench Warrant:** A written order issued by a judicial officer, which authorizes the arrest of a person.
- **Bio Parent:** A parent who is biologically related to the child.
- **Black T-Shirt:** A reward earned for positive behavior at Gilliam Youth Services Center.
- **Bond:** The amount of money (or other kinds of "security") a court requires for a child to be released from detention.
- **Chafee Services:** The John H. Chafee Foster Care Independence Program offers federal funding for independent living services to certain children.
- **Commitment:** When a court orders a child into the custody of the Division of Youth Corrections (see below) at sentencing.
- **Comp:** Raising the issue of competency in a case.
- **Contempt:** To disobey or violate a court order, which is a punishable offense.
- **Continuance:** Moving a court date to another date in the future.
- **CRAFT:** See Community Reinforcement Approach and Family Training.
- **Community Reinforcement and Family Training:** A program utilized through TASC to provide parents or guardians with skills to improve control over their child's behaviors.
- **Custodian:** The person or agency who has the legal right to control what your child does and the responsibility to make sure their basic needs are met (such as shelter, food, clothing).
- **Custody:** Power and control over.
- **D&N:** See Dependency and Neglect.
- **Day Reporting:** An educational program through the probation department.
- **DCP:** See Denver Collaborative Partnership.
- **Delinquent:** A youth who commits an illegal act that would be considered a crime if an adult had committed the same act.

Important Contact

Glossary Continued



- **Denver Collaborative Partnership:** This staffing includes a multi-disciplinary team (MDT) of professionals from various system agencies along with the family to discuss possible services.
- **Denver Sexual Abuse Review Team:** This staffing is for cases where sexualized behaviors and/or offenses; includes a multi-disciplinary team (MDT) of professionals from various system agencies along with the family to discuss possible services to address related treatment issues which may also include out of home placement or commitment to the Division of Youth Corrections.
- **Dependency and Neglect:** A type of court proceeding when there are concerns about whether a child is being appropriately protected or cared for.
- **Detention Reduction Program:** A pretrial supervision program. It is also known as Pretrial Release Case Manager.
- **Diligent Search:** A process to look for relatives/kin who could serve as resources for parents and children.
- **Direct Filing:** In very serious situations, the district attorney is authorized to file the case against a juvenile in adult court (rather than juvenile court).
- **Discovery:** The process for the defense attorney to find out the facts of the case by receiving information from the district attorney.
- **Diversion:** An offer made by the district attorney to have a juvenile case “diverted” so that the case will be dismissed but requiring a child to follow some rules. If the diversion program is completed successfully, a child will be done with his responsibilities in his/her case. If the child is unsuccessful, the district attorney can refile the case. Typically, the diversion program is only for children who are involved in less serious types of cases and/or have no prior adjudications.
- **Division of Youth Corrections:** A state agency entrusted with caring for children who are experiencing significant problems functioning in the community.
- **Docket:** A schedule of cases in a courtroom on a certain date and time.
- **DRP:** See Detention Reduction Program.
- **DYC:** See Division of Youth Corrections.
- **EHM:** See Electronic Home Monitoring.
- **Electronic Home Monitoring:** A supervision device through a telephone. This type of supervision may be used by Paramount Youth Services during the pretrial process and/or the probation department after a sentencing hearing. Another supervision device is global position supervision (GPS).
- **Eval (Evaluation):** An assessment to determine a child’s level of functioning relating to mental health, education, or some other area.
- **Evidence:** Information (like fingerprints, photos, or statements) used to support the point that an attorney is making in court.
- **Female Offender Program:** is a program through the probation department to provide services to young women. These services may include teen pregnancy, body image, self-esteem, life skills, and violence prevention.
- **FFT:** See Functional Family Therapy.
- **FOP:** See Female Offender Program.
- **Foster Care:** an “out of home” placement option which is setup in a smaller “home-styled” environment.
- **FTA:** failure to appear.
- **Functional Family Therapy:** A type of treatment that is designed to help families work out their problems more effectively.
- **Furlough:** A court authorization for a child to leave a detention facility for a certain amount of time for a specific purpose.
- **GAIN:** See Global Appraisal of Individual Needs Assessment.
- **GED:** General Education Diploma.

Glossary Continued



- **Global Appraisal of Individual Needs Assessment:** An evaluation utilized to determine the specific treatment needs of a child.
- **Group Home:** An “out of home” placement option which emphasizes structure and accountability. It is typically used for older children.
- **Home Detention:** A type of professional supervision that requires a child to remain at his/her residence unless given specific authorization to leave.
- **ICWA:** See Indian Child Welfare Act.
- **Indian Child Welfare Act:** is a federal law enacted to protect the best interests of Native American children and promote the stability and security of Native American tribes and families.
- **IEP (Individualized Education Plan):** A learning plan for a child with special needs. It is constructed with his or her parent, teacher, and/or other professionals.
- **Intelligence Quotient:** refers to a child’s level of ability to understand and use information.
- **Investigation Only:** Refers to a court order requiring the pretrial release program to investigate whether a child is appropriate for pretrial supervision. The results of the investigation are delivered to the Court which makes the final decision on this issue.
- **IQ:** see Intelligence Quotient.
- **JISP:** See Juvenile Intensive Supervision Probation.
- **Juvenile Intensive Supervision Probation:** A program administered by the probation department. It involves a high level of supervision.
- **Judicial Officer:** A judge or magistrate.
- **Juvy:** Juvenile.
- **Lawyer:** Also called an attorney. This type of professional is licensed in Colorado to practice law, including the representation of children in juvenile delinquency cases.
- **Level of Care:** Refers to the type of out of home placement that serves the child’s needs.
- **MDT:** Multi-disciplinary team.
- **Mental Health Hold:** A process that places a child into a hospital setting to address his/her treatment needs.
- **Mentor:** An individual who tries to serve as a resource for a child by becoming involved in his/her activities. The mentor makes himself or herself available to help the child function better in the community.
- **Moral Reconnection Therapy:** Offered through probation, it is designed to teach juveniles how to prevent getting in trouble by increasing their moral reasoning skills.
- **Motion:** A legal request, usually by an attorney, for the court to do something.
- **MRT:** See Moral Reconnection Therapy.
- **MST:** See Multi-systemic Therapy. **Multi-systemic Therapy:** A type of treatment designed to educate and empower parents/guardians concerning their child’s behaviors.
- **No Bond Hold:** A ruling by a judicial officer that a child should remain in detention until further order of the court.
- **Permanency:** The idea that a child who has been removed from parents must find a permanent home within a certain amount of time.
- **Plea:** When a child tells the court that he/she is either not guilty or guilty of the charges.
- **Priors:** Prior juvenile court history.

Glossary Continued



- **Probable Cause:** Evidence (see above) that establishes a reason to believe a violation of the law took place and the child may have committed the violation.
- **PSI:** Pre-sentence Investigation.
- **Psychological Parent:** A person who, although not biologically related, serves a very important role in a child's life.
- **Purple Shirt:** A juvenile literally wearing a purple shirt as a penalty at Gilliam for committing a major rule violation and being placed on disciplinary status (D.S.).
- **RCCF:** See Residential Child Care Facility.
- **Residential Child Care Facility:** A level of residential treatment that provides intensive treatment services.
- **Restitution:** Money that is paid to a victim of a crime. This could be due to damage and/or loss to the victim's property. It could also be ordered when the child caused personal injury to the victim.
- **SART:** See Denver Sexual Abuse Review Team.
- **Senate Bill 94:** A resource to provide alternatives to detention.
- **SO:** sex offender.
- **Speedy:** Refers to issues relating to the scheduling of a juvenile's right to a speedy trial.
- **Staffing:** A meeting held outside of the courtroom to discuss various issues regarding your child's case.
- **Status Offender:** A juvenile who is alleged to have committed an offense that would not be a crime if committed by an adult. Examples include truancy (see below) and curfew violations.
- **Subpoena:** Court order requiring someone to appear in court at a certain date and time.
- **TASC:** See Treatment Accountability for Safer Communities.
- **Treatment Accountability for Safer Communities:** The Denver Juvenile Probation TASC Project's purpose is to decrease criminal recidivism; reduce substance use and mental health issues; lower levels of days in detention; increase identification and early intervention for youth; and increase cost savings for police, probation, and courts.
- **Truancy:** A court proceeding when a child does not attend school as required.
- **UA (urinalysis):** A testing method to determine substance use.
- **Value of Individual & Community Engagement Services:** This is a DDHS meeting led by a facilitator. It coordinates future placement and services for children.
- **Victims' Rights Act:** A law which specifies rights provided to victims in a court case.
- **VOICES:** See Value of Individual & Community Engagement Services.
- **VRA:** See Victims' Rights Act.
- **Witness:** A person ordered to come to court to testify about an aspect of the case.
- **Zero tolerance:** When a court issues an order (typically in situations regarding community supervision) that requires full compliance with all rules.

Important contact information

Child's Attorney



PHONE:

EMAIL:

ADDRESS:

CELL PHONE:

Guardian ad litem



PHONE:

EMAIL:

ADDRESS:

CELL PHONE:

Social worker



PHONE:

EMAIL:

ADDRESS:

CELL PHONE:

Service Provider



PHONE:

EMAIL:

ADDRESS:

CELL PHONE:

Service Provider



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COURT DATES:

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**This handbook is a
project of the Denver JD
Best Practice Court
Team.**

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