



PRESIDING JUVENILE JUDGE ORDER 2025-01
STATE OF COLORADO
FIRST JUDICIAL DISTRICT

ORDER RE: Juvenile Screening and Detention Guidelines

This order replaces PJJO 22-06 due to the implementation of the new Colorado Youth Detention Screening Instrument ("CYDSI"), effective February 3, 2025.

Rule 3.7(b) of the Colorado Rules of Juvenile Procedure (CJRP) requires the Chief Judge of each judicial district to designate one or more qualified persons or agencies to act as a screening team with authority to determine whether a juvenile taken into custody should be released to a parent, guardian or other legal custodian, or detained pending a detention hearing. Chief Judge Order 2025-04 (CJO 25-04) delegates certain administrative duties to the Presiding Juvenile Judge, including implementing a local plan for detention screening and placement guidelines. Specifically, CJO 25-04 provides that the Presiding Juvenile Judge is delegated the responsibility of "facilitat[ing] the approval of the Chief Judge and issuance of a Presiding Juvenile Judge Order to implement such plan," which should "provide oversight and maintain control over the admission, length of stay, and release of all juveniles placed in shelter or detention, subject to the limitations prescribed by C.R.S. § 19-2.5-305, § 19-2.5-306 and Colorado Rule of Juvenile Procedure 3.7(i)."

In passing the Juvenile Justice Reform Act in 2019, the Colorado General Assembly declared the intention to "limit the use of detention to only those children and juveniles who pose a substantial risk of serious harm to others or that are a flight risk from prosecution" because:

the placement of children and juveniles in a detention facility exacts a negative impact on the mental and physical well-being of the child or juvenile, and such detention may make it more likely that the child or juvenile will reoffend. Children and juveniles who are detained are more likely to penetrate deeper into the juvenile justice system than similar children or juveniles who are not detained, and community-based alternatives to detention should be based on the principle of using the least-restrictive setting possible and returning a child or juvenile to his or her home, family, or other responsible adult whenever possible consistent with public safety.

C.R.S. § 19-2.5-301. In accordance with this legislative declaration, the general assembly adopted C.R.S. § 19-2.5-304 and amended §§ 19-2.5-303, 19-2.5-305, and 19-2.5-1404.

NOW THEREFORE IT IS ORDERED THAT:

The First Judicial District (1st JD) Juvenile Services Planning Committee (JSPC), appointed under C.R.S. § 19-2.5-302, shall continue to be responsible for detention screening, placement guidelines pursuant to C.R.J.P. 3.7 and the Colorado Children's Code in its annual plan. The JSPC is authorized to enter into a contract with the Jefferson County Juvenile Assessment Center (JCJAC) to administer services as described in C.R.S. § 19-2.5-305(1) and (7). The persons or agencies providing these services shall be designated as officers of the Court. As such, they are vested with the authority to screen those juveniles taken into temporary custody to determine the appropriate level of detention for the juvenile, subject to the provisions of this Order and the Colorado Children's Code. The 1st JD Colorado Youth Detention Continuum (CYDC) employees, as officers of the Court, shall have authority to set bail and set appropriate bond conditions for the initial period of release prior to a detention hearing.

LOCAL POLICY:**(A) SCREENING TEAM**

- (1) Screening team.** "Screening team" is defined in C.R.S. § 19-2.5-102(46) and means the person(s) designated to make recommendations to the juvenile court concerning whether a juvenile taken into temporary custody should be released or admitted to a detention or shelter facility pursuant to C.R.S. § 19-2.5-305. The screening team shall be responsible for detention screening and placement and shall have the specific responsibilities contained herein.
- (2) Screening & Assessment of all juveniles referred by Law Enforcement to make initial placement decisions.** In making a placement decision, the screening team shall be guided by the Colorado Children's Code, C.R.S. § 19-2.5-305, and the screening tool developed pursuant to C.R.S. § 19-2.5-1404, the Colorado Youth Detention Screening Instrument ("CYDSI"). The screening team shall implement and administer the CYDSI in accordance with local policies and procedures. Local policy, approved by the JSPC, dictates that the screening team will not consider factors to mitigate risk for youth scoring high risk on the CYDSI decision tree, and that will be left to judicial decision-making at the detention hearing.

(B) LEVEL 1 SECURE DETENTION**(1) Limitations on Level 1 Secure Detention.**

- (a) Detention.** "Detention" is defined in C.R.S. § 19-1-103(55) and means "the temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment."
- (b) Level 1 Secure Detention is not permitted for the following:**
 - (i)** Juveniles who have not committed, or have not been accused of committing, a delinquent act (as defined in C.R.S. 19-1-103(52)) unless otherwise found in contempt of court per C.R.S. § 19-2.5-304(1)(a);

- (ii) Delinquent and nondelinquent juveniles who have been placed in the legal custody of a county department of human or social services pursuant to a petition in dependency or neglect and are solely awaiting out-of-home placement per C.R.S. § 19-2.5-304(1)(b);
 - (iii) Juveniles who at admission require medical care, are intoxicated, or are under the influence of drugs, to an extent that custody of the juvenile is beyond the scope of the detention facility's medical service capacity per C.R.S. § 19-2.5-304(1)(c);
 - (iv) Juveniles who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide per C.R.S. § 19-2.5-304(1)(d);
 - (v) Juveniles who have not committed a delinquent act but present an imminent danger to self or others or appear to be gravely disabled as a result of a mental health condition or an intellectual and developmental disability per C.R.S. § 19-2.5-304(1)(e);
 - (vi) Juveniles who are at least ten years of age and older but less than thirteen years of age unless the juvenile has been arrested or adjudicated for a felony weapons charge under C.R.S. §§ 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5, in accordance with C.R.S. §§ 19-2.5-304(2) and 19-2.5-305(3)(a)(V).
- (c) Per C.R.S. § 19-2.5-304(3), a juvenile **shall not** be placed in Level 1 Detention **solely**:
- (i) Due to a lack of supervision alternatives, service options, or more appropriate facilities;
 - (ii) Due to the community's inability to provide treatment or services;
 - (iii) Due to a lack of supervision in the home or community;
 - (iv) In order to allow a parent, guardian, or legal custodian to avoid his or her legal responsibility;
 - (v) Due to a risk of the juvenile's self-harm;
 - (vi) In order to attempt to punish, treat, or rehabilitate the juvenile;
 - (vii) Due to a request by a victim, law enforcement, or the community;
 - (viii) In order to permit more convenient administrative access to the juvenile;
 - (ix) In order to facilitate further interrogation or investigation; or
 - (x) As a response to technical violations of probation unless the results of a detention screening instrument indicates that the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to C.R.S. 19-2.5-1108 allows for such a placement.
- (2) (Mandatory) Level 1 Secure Detention and not released prior to detention hearing.** Juveniles in the following circumstances shall be held in Level 1 Secure Detention and not released prior to a detention hearing:
- (a) Arrested for an offense enumerated in C.R.S. § 19-2.5-305(3)(a)(V)(A)-(C) (rebuttable presumptions that the juvenile poses a substantial risk of serious harm to others), including the following:
 - (i) allegations the juvenile committed a crime of violence under C.R.S. 18-1.3-406;
 - (ii) allegations the juvenile used or possessed and threatened to use a firearm during the commission of any felony offense against a person under article 3 of title 18;
 - (iii) or allegations the juvenile committed specifically enumerated weapons offenses, including:
 - (a) Unlawful carry of a concealed weapon;

- (b) Possession of dangerous or illegal weapon;
 - (c) Unlawfully carrying a concealed weapon on school, college or university grounds;
 - (d) Possession of defaced firearm;
 - (e) Prohibited use of a weapon;
 - (f) Illegal discharge of a firearm; or
 - (g) Illegal possession of a handgun by a juvenile.
- (b) Escaped from a secure Department of Youth Services facility;
 - (c) Outstanding bench warrant or court order from a judge or magistrate that that probable cause has been found and that the juvenile is to be held in detention pending an appearance before a judicial officer;
 - (d) Out-of-state runaway with an outstanding warrant for delinquent or criminal activity (but see section (B)(3)(a) below)¹;

(3) OVERRIDES/EXCEPTIONS to Level 1 Secure Detention Policies in sections (1)-(2) above.

- (a) **Out-of-state runaway.** Juveniles with an out-of-state runaway warrant may be held at JCJAC and not detained, if all the following criteria are met:
 - (i) The warrant is only for an out-of-state runaway, and
 - (ii) The juvenile is not considered a flight risk, and
 - (iii) The Parent/guardians can pick up the juvenile within 24 hours.
- (b) **Override: INTO Level 1 Secure Detention (without scoring into Level 1).** Under C.R.S. 19-2.5-303(2)(a)(I), juveniles are not to be removed from the custody of their parents or legal guardians unless the juvenile scores detention-eligible on the CYDSI or there are grounds to override the results CYDSI based on criteria developed in accordance with C.R.S. 19-2.5-1404 and the juvenile poses a substantial risk of serious harm to others or a substantial risk of flight from prosecution and finds that community-based alternatives to detention are insufficient to reasonably mitigate that risk. As no statewide override criteria have been developed, and because the CYDSI was developed to reduce subjectivity and bias in decisions to detain, this jurisdiction will not utilize overrides into level one secure detention, unless future criteria are developed after evaluation of the CYDSI or in accordance with C.R.S. 19-2.5-1404.
- (c) **Override: OUT of Level 1 Detention (after scoring into Level 1).** Juveniles who do score into Level 1 secure detention, according to the CYDSI, *may* receive an override out of Level 1 secure detention in accordance with and based on the District's Emergency Release Protocol.

(C) PLACEMENT BASED ON SCREENING. Based upon the screening assessment and subject to the provisions of section (B) above, screening team shall have authority prior to detention, to place/refer a juvenile screening result as below. **If the Juvenile is screened to:**

¹ Interstate Compact on Juveniles (ICJ) § 24-60-702, Rules 6-102 and 6-103
https://www.juvenilecompact.org/sites/default/files/ICJ%20Rules_Final.pdf (standard to detain is danger to self or others)

(1) Level 1. Secure Detention:

- (a) The screening team shall contact staff at Rocky Mountain Youth Services Center to authorize placement of Juvenile.

(2) Level 2. Staff Secure Facility:

- (a) If there is a staff secure facility under contract with the 1st JD that is available, the screening team may place the juvenile in that staff security facility.
- (b) If unavailable- the screening team will assess pursuant to protocol.
- (c) When unsure- contact Supervisor and/or Law Enforcement Liaison

(3) Level 3. Shelter Care² or Foster/Kinship Home:

- (a) If available- the screening team may place Juvenile in shelter under contract with 1st JD
- (b) If unavailable- the screening team will assess pursuant to protocol
- (c) When unsure- contact Supervisor and/or Law Enforcement Liaison

(4) Level 4. Home or Kinship Detention with Services:

- (a) The Screening Team may release the juvenile to a parent/guardian (or a responsible adult with parent/guardian approval), under the condition of signing a home detention contract and signing a Promise to Appear in court at a specific time within 48 hours (excluding weekends and court holidays)
 - (i) If the juvenile fails to appear in response to the Promise to Appear, the court shall issue a bench warrant for the arrest of the juvenile.
 - (ii) If deemed necessary, the screening team may refer the family for services.

(5) Level 5. Release Home or Kinship (or a responsible adult with parent/guardian approval):

- (a) Juvenile may be released pending the filing of a petition by the District Attorney
- (b) If deemed necessary, the screening team may refer the family for services.

(D) OTHER

- (1) Detention Hearing.** At the detention hearing, the results of the CYDSI decision tree and level, as well as the screening team's recommendation will be presented to the Court regarding the appropriate level of detention.

- (2) Circumstances/assessment level changes** (if circumstances change or a further assessment requires a change in the level of detention):

- (a) Authority to Move Without Hearing: prior to detention, the screening team has authority to make necessary changes in placement. The screening team must notify the juvenile's Parent/Guardian of any change in placement.
- (b) Forthwith Hearing Required When: if the Court orders services at levels 2, 3, or 4 and circumstances subsequently change or further assessment indicates that a different level of

² "Shelter" means the temporary care of a child in physically unrestricting facilities pending court disposition or execution of a court order for placement. 19-1-103(126).

placement or supervision is appropriate, CYDC shall request a forthwith hearing and notify all parties of hearing and ensure that the Juvenile is present for the hearing.

- (3) Municipal Court.** A municipal court can order a child thirteen years of age and older but less than eighteen years of age to secure detention for failure to comply with lawful order of court, under the following limitations:
- (a) Limitation on Detention.** Any such confinement of a child for contempt of municipal court shall not exceed 48 hours in accordance with C.R.S. § 19-2.5-305(4)(e)(I). In calculating time for this subsection, Saturdays, Sundays, and legal holidays are included.
 - (b) Alternatives Preferred.** It is in general the policy of the 1st J.D. to locate and identify alternative community and family resources to avoid placement in a detention facility for municipal cases.
- (4) County Court.** The use of secure detention for juveniles with county court cases is limited to the following circumstances:
- (a) County Court Judge is clear on the arrest warrant that the juvenile is to be held in detention pending next appearance in County Court.**
 - (b) County Court Judge sentences a juvenile to secure detention.** Best practice indicates detention in excess of 45 days increases recidivism and the County Court Judge should consider this when imposing secure detention.
- (5) Youth with a warrant but inappropriate for secure detention pursuant to sections (B)(3)(c) or (C) of this Order.** JCJAC will modify the bond or warrant to a personal recognizant (PR) bond co-signed by the parent, guardian, or legal custodian.
- (6) Youth with Domestic Violence, Violation of Protection Order (based on contact violations only), Credible School Threats, or Victim Rights Act allegations who do not screen into secure detention.** JCJAC will issue summons with the condition of no contact with the victim to require an appearance before a judicial officer for issuance of Mandatory Protection Order. Because overrides into detention will no longer be utilized, JCJAC may also issue summons that require an appearance before a judicial officer for a hearing in situations where a juvenile is currently supervised on CYDC pre-trial supervision or juvenile probation.
- (7) Each decision shall take into consideration the best interest of the juvenile, the victim, and the community pursuant to C.R.S. § 19-2.5-101 as well as the general assembly's intent to "limit the use of detention to only those children who pose a substantial risk of serious harm to others or that are a flight risk from prosecution" pursuant to C.R.S. § 19-2.5-301.**

DONE AND SIGNED on this 18th day of February, 2025.



Lindsay L. VanGilder

1st Judicial District Presiding Juvenile Judge