IN THE 13th JUDICIAL DISTRICT
IN AND FOR THE STATE OF COLORADO

AMENDED ORDER REGARDING THE COLORADO YOUTH DETENTION CONTINUUM (CYDC) OPERATION IN THE 13TH JUDICIAL DISTRICT

2025-1

The following authorizes the Colorado Youth Detention Continuum (CYDC) to operate in the 13th Judicial District. This Administrative Order covers screening, pre-trial service case management, the legal employer, and governance for CYDC. This Administrative Order is to be read together with the attached appendices.

Colorado Rules of Juvenile Procedure Rule 3.7(b) 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 who has been taken into custody should be released to a parent, guardian, or other legal custodian or further detained pending a detention hearing.

Pursuant to Colorado Revised Statutes section 19-2.5-101, each detention decision will hold paramount the public's safety and will consider the best interests of the juvenile, the alleged victim, and the community as well as the General Assembly's intent to limit the use of detention to only those juveniles who pose a substantial risk of serious harm to others or who are a flight risk from prosecution.

Colorado Revised Statutes section 19-2.5-305(7) requires any law enforcement officer, employee of the Division of Youth Services, or another person acting under the direction of a court who, in good faith, transports any juvenile, releases any juvenile from custody pursuant to a written policy of a court, releases any juvenile pursuant to court order or written policy or criteria, or detains any juvenile pursuant to court order or written policy or criteria is immune from civil or criminal liability that might otherwise result. For purposes of any proceedings, civil or criminal, the good faith of any person shall be presumed.

I. AUTHORIZATION FOR 13th JUDICIAL DISTRICT CYDC JUVENILE SERVICES PLANNING COMMITTEE (JSPC)

After consultation with the various boards of county commissioners within the 13th Judicial District, the Chief Judge of the 13th Judicial District, in his or her discretion, shall appoint members to the JSPC. Pursuant to Colorado Revised Statutes section 19-2.5-302, the JSPC shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the 13th Judicial District for the fiscal year. The JSPC is strongly encouraged to consider programs with restorative justice components when developing the plan.

If practicable, the JSPC must include, but need not be limited to, a representative from a county department of human services, a local school district, a local law enforcement agency, the 13th Judicial District Probation Department, the Division of Youth Services, private citizens, the 13th Judicial District Attorney's office, the Public Defender's office, a community mental health representative, and a representative of the concerns of municipalities within the 13th Judicial District. For those mandatory members who represent a specific agency or office, individuals shall be nominated by their respective agencies.

II. AUTHORIZATION FOR CYDC ADMINISTRATIVE OFFICE/FISCAL AGENT

This Administrative Order approves the following activities to be conducted by the CYDC Administrative Office:

- Employment and human resource functions for; contracting for and by; budgeting, accounting, and financial management for; and other administrative, employment, and management functions.
- Administration of any screening tests or interviews, including, but not limited, to the Colorado Youth Detention Screening Instrument (CYDSI) or other instrument determined appropriate for screening and assessing juveniles for detention.
- Application of the detention screening criteria adopted by the 13th Judicial District in formulating a detain-or-release option.
- Communication of the screening results and detain-or-release options to detention process stakeholders including the 13th Judicial District juvenile courts.
- Preparation and execution of documents necessary to effect the detention of a juvenile, including detention on electronic home monitoring; the release of a juvenile to placement; and any other release of a juvenile to home or otherwise with or without supervision or conditions.
- The above acts shall be taken in compliance with Colorado Revised Statutes sections 19-1-103, 19-2.5-301 through -304, 19-2.5-1404, Colorado Rules of Juvenile Procedure Rule 3.7, or court order.

III. DEFINITIONS

As used in this Administrative Order:

- "DETENTION" means the temporary care of a juvenile who requires secure custody in physically restricting facilities pending court disposition or the execution of a court order for placement or commitment. Colo. Rev. Stat. § 19-1-103(55).
- "RESPONSIBLE ADULT" means a person who:
  - Is at least 21 years of age,
  - Is not under the influence of alcohol or drugs,
  - Has no outstanding warrants, and
  - Is able and willing to accept financial responsibility and to provide suitable shelter for the juvenile.
- "RISK" means substantial risk of serious harm to others or a substantial risk of flight from prosecution and community-based alternatives to detention are insufficient to reasonably mitigate the risk.
- "SCREENING TEAM" means the persons 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 Colorado Revised Statutes section 19-2.5-305. The screening team shall be responsible for detention screening and placement and shall have the specific responsibilities set forth in this Administrative Order. In making detention, placement, or release decisions, the screening team shall be guided by Colorado Revised Statutes section 19-2.5-303 and criteria development pursuant to Colorado Revised Statutes section 19-2.5-1404. See Appendix A and Appendix B.

IV. AUTHORIZATION FOR SCREENING TEAM

The CYDC Administrative Office or its designee is hereby designated as the screening team for the 13th Judicial District. All screeners employed by the CYDC Administrative Office or its designee shall comply with the approved screening criteria.

Prior to any detention hearing, screeners shall electronically notify the assigned judge or magistrate of the disposition of every juvenile who is screened. Detention hearings shall be held within 48 hours after the juvenile was taken into custody, excluding weekends and holidays. The juvenile court, in accordance with Colorado Revised Statutes section 19-2.5-305 and Colorado Rules of Juvenile Procedure 3.7(b), shall maintain control over the admission, length of stay, and release of all juveniles placed in shelter or detention, except the initial admission into detention as set forth in this Administrative Order. If the juvenile being screened by the screening team requires medical or psychological clearance prior to being transported to a detention or shelter

facility, law enforcement is directed to provide this transportation to and from the medical facility providing the clearance.

V. SCREENING & DETENTION POLICY

A. SCREENING LEVELS

Level 1 Secure Detention. The screening team shall contact staff at Prairie Vista Youth Services Center, Platte Valley Youth Services Center, or any Colorado Department of Human Services facility to authorize placement of a juvenile in secure detention.

Level 2 Staff Secure. If available, the screening team may place a juvenile in a staff secure facility. If a staff secure facility is not available, the screening team shall assess the juvenile pursuant to protocol.

Level 3 Shelter or Department of Human Services. If available, the screening team may place a juvenile in a shelter facility. If a shelter facility is unavailable, the screening team shall assess the juvenile pursuant to protocol.

Level 4 Home Detention. Home detention sets the expectation to allow the juvenile to leave their home only for court appearances, medical appointments, school, or meetings with professionals. The juvenile must always be in the presence of a parent, guardian, or responsible adult.

Level 5 Release to Parent, Guardian, or Responsible Adult. A juvenile may be released pending the filing of a petition by the District Attorney's office. No detention hearing is scheduled for Level 5 releases.

1. LEVEL 1 SECURE DETENTION.

a. Limitations on Level 1 Secure Detention.

- Level 1 Secure Detention is not permitted for the following:
  - Juveniles who have not committed or who have not been accused of committing a delinquent act unless otherwise found in contempt of court.
  - Delinquent and nondelinquent juveniles who have been placed in the legal custody of a county department of human services pursuant to a petition in dependency or neglect and who are solely awaiting out-of-home placement.
  - Juveniles who, at time of admission, require medical care, are intoxicated, or are under the influence of drugs to such a degree that custody of the juvenile is beyond the scope of the detention facility's medical service capacity.

- Juveniles who are solely assessed as suicidal or who exhibit behavior placing them at imminent risk of suicide.
- 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.
- Juveniles who have been taken into custody for an alleged violation of a fish and game ordinance or a violation of Colorado Revised Statutes title 42, unless the title 42 violation is a felony.
- Juveniles who have been taken into custody for an alleged violation of a county ordinance.

▪ A juvenile shall not be placed in detention solely:
- Due to lack of supervision alternatives, service options, or more appropriate facilities.
- Due to the community's inability to provide treatment or services.
- Due to a lack of supervision in the home or community.
- In order to allow a parent, guardian, or legal custodian to avoid legal responsibility.
- Due to a risk of the juvenile's self-harm.
- In order to attempt to punish, treat, or rehabilitate the juvenile.
- Due to a request by a victim, law enforcement, or the community.
- In order to permit more convenient administrative access to the juvenile.
- In order to facilitate further interrogation or investigation.
- As a response to technical violations of probation unless the results of a detention screening instrument indicate the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to Colorado Revised Statutes section 19-2.5-1108 allows for placement.

b. Mandatory Level 1 Secure Detention & juvenile not to be released prior to a detention hearing.

Juveniles in the following circumstances shall be held in Level 1 Secure Detention and not released prior to a detention hearing:

▪ Warrants.
- Juveniles arrested pursuant to a warrant where there is a no-bond hold and if one of the following findings has been made, a juvenile shall be held in detention pending a detention hearing regardless of the outcome of the screen. A juvenile shall remain in detention if a judicial officer finds:
  - The juvenile presents a substantial risk of serious harm to others and community-based alternatives are insufficient to mitigate that risk;
  - The juvenile presents a risk of flight from prosecution, as distinguished from simple failure to appear, evidenced by a

demonstrated record of repeat, recent, willful failures to appear at a scheduled court appearance or extradition from another state and community-based alternatives are insufficient to mitigate that risk;
- Detention is required by the Colorado Statutory Detention Questionnaire contained in CYDSI; or
- Based upon an arrest warrant request from the 13th Judicial District Probation Department, there is reason to believe the juvenile would not appear, would interfere with the juvenile justice process, or poses substantial risk of serious harm to others.

- Outstanding warrant from a county court where the county court judge is clear on the warrant the juvenile is to be held in detention pending their next appearance in county court.
- In accordance with the Interstate Commission for Juveniles, juveniles on out-of-state warrants, including runaways, shall be held pending a detention hearing. The holding state court shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate. Probation/parole absconders, escapees, or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state court shall have discretion to hold the juvenile at a location it deems appropriate.
- All other warrants will be screened per the state detention screening tool pending a detention hearing.

- Warrantless arrest by law enforcement of Juvenile pursuant to probable cause for the following:
  - Alleged to have committed, conspired, or attempted to commit a crime of violence pursuant to Colorado Revised Statutes section 18-1.3-406.
  - Alleged to have used or possessed and threatened the use of a deadly weapon or alleged to have caused serious bodily injury or death to another person, as described in Colorado Revised Statutes title 18, article 3.
  - Alleged to have committed possessing a dangerous or illegal weapon, as described in Colorado Revised Statutes section 18-12-102; possession of a defaced firearm, as described in Colorado Revised Statutes section 18-12- 103; unlawfully carrying a concealed weapon, as described in Colorado Revised Statutes section 18-12-105; unlawfully carrying a concealed weapon on school, college, or university grounds, as described in Colorado Revised Statutes section 18-12-105.5; prohibited use of weapons, as described in Colorado Revised Statutes section 18-12-106; illegal discharge of a firearm, as described in Colorado Revised Statutes section 18-12-

107.5; or illegal possession of a handgun by a juvenile, as described in Colorado Revised Statutes section 18-12-108.5.
    - Escaped from a secure Department of Human Services facility.
    - See Appendix C for charges meeting the presumptive standard of substantial risk of serious harm pursuant to Colorado Revised Statutes section 19-2.5-305(3)(a)(V)(A)-(C).

2. OVERRIDE OUT OF LEVEL 1 SECURE DETENTION AFTER SCORING INTO LEVEL 1 SECURE DETENTION.

Juveniles who do score into Level 1 Secure Detention via the CYDSI or the criteria set forth above may receive an override out of Level 1 Secure Detention, based on the following criteria:

- A juvenile 10 years of age and older but less than 13 years of age may not be detained unless the juvenile has been arrested for a felony or a violation of at least one of the following weapons charges:
    - Possession of a dangerous or illegal weapon, as described in Colorado Revised Statutes section 18-12-102;
    - Unlawful carrying a concealed weapon, as described in Colorado Revised Statutes section 18-12-105;
    - Prohibited use of weapons, as described in Colorado Revised Statutes section 18-12-106; or
    - Illegal possession of a handgun by a juvenile, as described in Colorado Revised Statutes section 18-12-108.5.
    - See Appendix C.
- CYDC has reached detention bed capacity and it has been determined the juvenile being screened poses less risk to the community compared to the juvenile who would be released through an emergency-release procedure. Juveniles released pursuant to the CYDSI and this Administrative Order shall be issued a juvenile appearance bond with a return date set for the first detention hearing date and time following the juvenile's arrest.
- The juvenile screened into Level 1 Secure Detention based primarily on history and who has significant protective factors.
- The arresting officer believes Level 1 Secure Detention is inappropriate for the juvenile.
- The juvenile is identified as high-risk of victimization in Level 1 Secure Detention.
- The juvenile's CYDC, probation, or diversion officer believes detention is inappropriate for the juvenile.

If criteria for an override out of Level 1 Secure Detention is met, the screening team will contact the CYDC director and provide notification of the CYDSI screening results and the justification for an override out of Level 1 Secure Detention. The CYDC director will contact the juvenile court for override authorization.

3. OVERRIDE INTO LEVEL 1 SECURE DETENTION AFTER INITIALLY SCORING INTO A LESSER LEVEL OF DETENTION.

a. Considerations for Detention Override Criteria

Because the CYDSI measures only risk of future violence, there may be situations where the CYDSI does not capture risk as that term is defined above in Section III. Examples of these situations include, but are not limited to, cases involving:

- A domestic violence sentence enhancer;
- Violation of protection orders;
- Stalking;
- An alleged victim resides in the home with the juvenile being screened;
- A previous, recent finding of risk of flight from prosecution when known to the screener; or
- Certain weapons offenses when the weapon is used with intent to harm or the weapon poses risk to the community. Screeners will need to reference the definitions for rebuttable presumption included with the CYDSI.

In all situations where a screening team is considering an override into Level 1 Secure Detention after a juvenile has initially screened into a lesser level of detention, the screening team is required to take into account the context and circumstances of the alleged offense and document rationale as determined by the local JSPC. If criteria for an override into Level 1 Secure Detention is met, the screening team will contact the CYDC director and provide notification of the CYDSI screening results and the justification for an override into Level 1 Secure Detention. The CYDC director will contact the juvenile court during business hours or the on-call judge after hours for override authorization and guidance.

b. Considerations for contacting the juvenile court during business hours or the on-call judge after hours for override authorization

The CYDC director will contact the juvenile court during business hours or the on-call judge after hours for override authorization and guidance when:

- The alleged offense poses a substantial risk of serious harm to others even if the risk of recidivism is low, for example, arson or vehicular eluding;
- The alleged offense demonstrates the juvenile poses a substantial risk of flight from prosecution; or
- Evidence exists outside of the CYDSI's questions and sources indicating the juvenile poses a substantial risk of serious harm to others or a substantial risk of flight from prosecution.

B. JUVENILES CHARGED WITH ACTS OF DOMESTIC VIOLENCE

When a juvenile is charged with or accused of a delinquent act that constitutes an act of domestic violence, the juvenile shall be detained only if the CYDSI indicates Level 1 Secure Detention or if the charges require detention pursuant to Appendix C. Juveniles who may be released pursuant to the CYDSI and this Administrative Order shall be issued a juvenile appearance bond with a return date for the first detention hearing date and time following the juvenile's arrest.

C. LAW ENFORCEMENT AGENCIES MAY USE A PROMISE TO APPEAR (PTA) TO INITIATE CERTAIN DELINQUENCY PROCEEDINGS

As an alternative to taking a juvenile into temporary custody, a law enforcement officer may serve the juvenile and the juvenile's parent, guardian or legal custodian with a written PTA for juvenile proceedings based on any delinquent act that would constitute a misdemeanor or petty offense. The PTA will be on a form approved by the District Attorney's office. See Appendix D. This notice and promise to appear shall be signed by the juvenile and the juvenile's parent, guardian, or legal custodian and the appearance date shall be the third Wednesday following the issuance of the PTA.

The PTA must contain:

- The current phone number, address, and website for the Sterling, Colorado regional office of the State Public Defender;
- A statement advising the parent, guardian, or legal custodian to apply for court-appointed attorney at least seven days before the juvenile's appearance date; and
- The following advisement: You have the right to the assistance of an attorney. An attorney may be appointed if the juvenile and the juvenile's parent, guardian, or legal custodian lack adequate resources to retain an attorney or if the juvenile's parent, guardian or legal custodian refuses to hire an attorney for the juvenile. To determine if the juvenile is eligible for a court-appointed attorney or to apply for a court-appointed attorney, the juvenile's parent, guardian, or legal custodian should contact the Office of the State Public Defender.

D. PLACEMENT BASED ON SCREENING

Based upon the CYDSI assessment and subject to the provisions above, the screening team shall have the authority prior to a detention hearing to place or refer a juvenile based on the following:

If the Juvenile is screened to:

- Level 1 Secure Detention, the screening team shall contact staff at Prairie Vista Youth Services Center, Platte Valley Youth Services Center, or any

CDHS facility as necessary to authorize placement of the juvenile in secure detention.

- Level 2 Staff Secure, if available, the screening team may place the juvenile in a staff secure facility. If a staff secure facility is not available, the screening team shall assess the juvenile and placement pursuant to protocol.
- Level 3 Shelter or Department of Human Services, if available, the screening team may place a juvenile in a shelter facility. If a shelter facility is unavailable, the screening team shall assess the juvenile and placement pursuant to protocol.
- Level 4 Home Detention sets the expectation to allow the juvenile to leave their home only for court appearances, medical appointments, school, or meetings with professionals. The juvenile must always be in the presence of a parent, guardian, or responsible adult.
    - Law enforcement may release the juvenile to a parent, guardian, or responsible adult under the condition of home detention with a juvenile appearance bond. The return date on the juvenile appearance bond will be at 2:00 p.m. on the next court day.
    - If the juvenile fails to appear in response to the juvenile appearance bond, the juvenile court may issue a bench warrant for the arrest of the juvenile.
- Level 5 Release to Parent, Guardian, or Responsible Adult.
    - Law enforcement may release the juvenile to a parent, guardian, or responsible adult with a juvenile appearance bond. The return date on the juvenile appearance bond will be at 2:00 p.m. on the next court day.
    - If the juvenile fails to appear in response to the juvenile appearance bond, the juvenile court may issue a bench warrant for the arrest of the juvenile.

<u>A juvenile who scores high on the CYDSI screening tree will not be considered for risk-mitigation factors that could result in Level 3, Level 4, or Level 5 screening outcomes.</u>

If detention is not appropriate, the following guidelines shall govern the release of a juvenile to a parent, guardian, or other responsible adult:

- If a juvenile's parent or guardian is available, the juvenile shall be released to a parent or guardian.
- If a juvenile's parent or guardian is available but refuses to take the juvenile, the juvenile shall be released to a county department of human services. The department may thereafter release the juvenile to a parent, guardian, or other responsible adult without further court order.
- If a juvenile's parent or guardian is not available, the juvenile may be released to another responsible adult or, if none is available, to a county department of human services. The department may thereafter release

the juvenile to a parent, guardian, or other responsible adult without further court order.

- A law enforcement agency shall issue a juvenile appearance bond to the juvenile. The return date on the juvenile appearance bond will be at 2:00 p.m. on the next court day. Conditions of the juvenile appearance bond will be 24-hour accountability to person to whom the juvenile is released, follow household rules, and be law abiding.

Any juvenile appearance bond or bond authorized by the juvenile court for a juvenile will be substantially similar to the example attached to this Administrative Order as Appendix B. The bond form may be amended, modified, or adjusted at any time to suit the unique needs of a juvenile without the necessity to amend this Administrative Order.

This Administrative Order specifically adopts the Emergency Release Procedure outlined and attached hereto as Appendix E.

E. AFTER A JUVENILE IS INITIALLY DETAINED, A COURT MAY FURTHER DETAIN A JUVENILE ONLY IF

1. A juvenile poses a substantial risk of serious harm to others or is a substantial risk of flight from prosecution and community-based alternatives are insufficient to mitigate the risk of serious harm to others or flight from prosecution.

2. In certain cases involving weapons and certain enumerated felony crimes of violence, the Colorado General Assembly has declared a rebuttable presumption the juvenile is a substantial risk of serious harm to others and, therefore, the juvenile will be detained unless the court finds the presumption has been rebutted. Colo. Rev. Stat. § 19-2.5-305(3)(a)(V)(A)-(C).

3. At the conclusion of a detention hearing, a hearing to revoke or modify bond security or conditions, or a hearing where the juvenile is appearing on summons having not posted bond, the court, when presented with sufficient information to determine the juvenile poses a substantial risk of serious harm to others or a substantial risk of flight from prosecution, may take the following actions:

- Detain the juvenile in accordance with Colorado Revised Statutes sections 19-2.5-304 and-305,
- Release the juvenile on an unsecured personal recognizance bond with conditions that are in the juvenile's best interest which may include participating in a pre-adjudication services program, or
- Release a juvenile without bond and order the juvenile to participate in a pre-adjudication services program.

Unless the District Attorney consents, a juvenile may not be released without bond if that juvenile has been accused of having committed a delinquent act that constitutes a felony or class one misdemeanor and:

- The juvenile has been found guilty of a delinquent act constituting a felony or class one misdemeanor within one year prior to the juvenile's detention,
- The juvenile is currently at liberty on another bond of any type, or
- The juvenile has a delinquency petition pending in any district or juvenile court for which probable cause has been established.

VI. AUTHORIZATION FOR PRE-TRIAL RELEASE SERVICES PURSUANT TO COLO. REV. STAT. § 19- 2.5-606

When a juvenile is ordered or directed to comply with CYDC pre-trial services, the juvenile court authorizes CYDC to use established supervision methods. The supervision methods defined in statute include releasing the juvenile without formal supervision and any one or more of the following:

- Periodic telephone communications with the juvenile.
- Periodic office visits by the juvenile to CYDC.
- Periodic visits to the juvenile's home.
- Periodic drug testing of the juvenile or mental health or substance use treatment for the juvenile, including residential treatment.
- Periodic visits to the juvenile's school.
- Domestic violence or child abuse counseling for the juvenile.
- Electronic or global-position monitoring of the juvenile or lockdown.
- Work release for the juvenile if school attendance is not applicable or appropriate under the circumstances.
- Day reporting and day-treatment programs.
- SOMB-established supervision methods for juveniles accused of sexual offenses.

When the juvenile court orders a juvenile to participate with CYDC pre-trial services, CYDC will continue to screen and assess the juvenile to determine the appropriate level of supervision or restrictions. CYDC shall provide a written explanation of its policies, procedures, and expectations to all juveniles under its supervision.

CYDC pre-trial case managers are not part of the CYDC screening team. Accordingly, case managers do not have access to screening documents. Because, documents filed with the juvenile court contain information regarding the type of crime alleged; indicators of repeat alleged delinquent behavior; indicators of risk of harm to the juvenile or to the community; information on the availability and viability of family or community resources, including parents, guardians, relatives, and peers; information on the juvenile's educational status and history; information on the juvenile's mental health status and history; information on the juvenile's substance use history; information on the juvenile's involvement with other people, agencies, guardians ad litem, probation officers,

or county departments of human services; information on the parents' or guardians' wishes; information on the juvenile's strengths and weaknesses and their current wishes; and contact information such as names, addresses, and telephone numbers, this Administrative Order authorizes case managers to inspect juvenile delinquency court records. Colo. Rev. Stat. § 19-1-304. This information will be helpful for case managers in developing, designing, and implementing an initial pre-trial supervision plan when a juvenile is placed on pre-trial supervision. It is expected CYDC pre-trial case managers will engage in this assessment, development, design, and implementation. This Administrative Order also allows the CYDC screening team to access the CYDC pre-trial case manager's court reports and warrant requests.

Consistent with any ongoing screening or assessment, and subject to any limitations set forth below, CYDC may utilize best-practice guidelines for supervision. This may include any of the following:

- Any of the methods authorized by Colorado Revised Statutes section 19-2.5-606(4). Unless specifically limited by the juvenile court as a condition of bond, the use of the methods authorized in in Colorado Revised Statutes section 19-2.5-606(4) shall be at the discretion of CYDC.
- A level system of electronic or global-position monitoring of the juvenile.

Although this Administrative Order authorizes the use of certain established supervision methods for juveniles, the juvenile court retains the authority to amend, expand, restrict, enhance, vacate, define, or clarify any bond or release order and any conditions for a juvenile at any time. The juvenile court may do so on its own motion or on the motion or request of any party or CYDC.

VII. AUTHORIZATION FOR RELEASE OF ELECTRONIC OR GLOBAL-POSITION MONITORING DATA

Pursuant to Colorado Revised Statutes section 19-2.5-606(4), electronic or global-position monitoring of a juvenile is available as a condition of pre-adjudication release supervision. The use of electronic or global-position monitoring is intended to reduce pre-adjudication detentions without sacrificing the protection of the community from juveniles who may be a risk to the public. Electronic or global-position monitoring may be ordered by the juvenile court or be implemented at CYDC's discretion as a term and condition of release.

There is no expectation of privacy in the data generated through electronic or global-position monitoring. People v. Campbell, 425 P.3d 1163, 1168-71 (Colo. Ct. App. 2018). The electronic or global-position supervision provided by CYDC is passive monitoring. In the event law enforcement or the District Attorney's office requests any electronic or global-position monitoring data, the data will be immediately provided by CYDC.

VIII. AUTHORIZATION FOR TRANSPORT

Any law enforcement officer, employee of the Division of Youth Services, or another person acting under the direction of the juvenile court may transport a juvenile to a detention or shelter facility following screening, to and from appearances before the juvenile court, and to and from any other purpose approved by the juvenile court.

Done this 10th day of November, 2026.



CARL S. McGUIRE III
Chief Judge
13th Judicial District

APPENDICES

A	Detention, placement, & release criteria
B	Juvenile appearance bond form
C	Charges meeting the presumptive standard of substantial risk of serious harm
D	Promise to appear form
E	Emergency release procedure

Appendix A

COLORADO YOUTH DETENTION SCREENING INSTRUMENT DECISION TREE FLOWCHART

Any youth age 10-12 SHALL NOT BE DETAINED unless the youth has been charged or adjudicated for a felony and is being detained for that felony, or any of the following misdemeanor weapons charges pursuant to sections 18-12-102, 18-12-105, 18- 12-106 or 18-12-108.5, C.R.S..

Name: ☐ ***TRAILS ID:*** ***DOB***

Medical: **Medical Clearance** ☐ Yes ☐ No **Drugs/ Alcohol** ☐ Yes ☐ No **Medications/ Allergies** ☐ Yes ☐ No	**Victim:** **Victim notification** ☐ Yes ☐ No **Officer to Provide Pumpkin Sheet** ☐ Yes ☐ No
Charge 1: _____	**Fel** ☐ **Misd** ☐ **Degree** _____
Charge 2: _____	**Fel** ☐ **Misd** ☐ **Degree** _____
Charge 3: _____	**Fel** ☐ **Misd** ☐ **Degree** _____

Risk Tool Items

0 ☐	1	2	1. Prior delinquency cases filed (arrests and summons; not adjudications)
0 ☐	1	2	2. History of violent/aggressive acts
0		2 ☐	3. Associates/identifies with negative peers
0 ☐		2 ☐	4. Remorse and empathy

RISK LEVEL – HIGH (Scores 4-8) — **RISK LEVEL – MODERATE (Scores 2-3) TO LOW (Scores 0-1)**

Risk can be mitigated in the community?

No ☐ ☐ **Yes**

SECURITY LEVEL CONSIDERATIONS

☐ ☐ 1. History of escape/running from non-secure placements.

☐ ☐ 2. Potential for victimization in secure placement.

IF NONE OR #2 YES

COMMUNITY PLACEMENT CONSIDERATIONS

☐ ☐ 3. Release to parent or guardian

☐ ☐ 4. **IF NO TO 3**, Release to kin or responsible adult ("parent authorizes adult to take youth?")

IF NONE — **IF YES TO 3 OR 4**

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Secure Detention	Staff Secure (if available)	DHS/ Shelter Care /Foster/Kinship Home	Home/Kinship Detention with Services	Release/Kinship (Low Risk/Low level offense)

Level by Screening: (Check One) ☐1 ☐2 ☐3 ☐4 ☐5

Colorado Statutory Detention Questionnaire

If yes to any, must be securely detained.

1. **WARRANTS:** A court has determined, on a warrant, that the juvenile presents a "substantial risk of serious harm to others" or "a substantial risk of flight from prosecution" and community-based alternatives are insufficient to mitigate risk; or the court has issued a warrant for the youth to be detained without any of the above findings; C.R.S. §19-2.5-303(2)(a)(II).

   ☐ Yes ☐ No - (If **NO** is checked, follow the rules of the validated screening tool and local Chief Judge

   AND Check Appropriate Box (Check all that apply):

   ☐ Substantial Risk of Serious Harm to Others ☐ Parents Petitioning for Revocation of Bond

   ☐ Substantial Risk of Flight From Prosecution ☐ Non-Compliance of Bond ☐ Other: _____

1b. The youth is being administratively screened into secure detention pursuant to a judicial administrative order.

☐ Yes ☐ No ☐ Writ ☐ Detention Sentence ☐ Remand ☐ Local Administrative Order

2. Rebuttable presumption that the juvenile poses a "substantial risk of serious harm to others" (C.R.S. § 19-2.5-305(3)(a)(V)(A)-(C); the juvenile shall remain in detention pending the 48-hour detention hearing.

   ☐ Yes ☐ No

   AND Check Appropriate Response:

   ☐ Was Serious Bodily Injury indicated?

   ☐ Did the offense include use of a deadly weapon?

   Deadly weapon means a firearm, knife, bludgeon, or any other instrument that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

   ☐ What type of deadly weapon? _____

3. Apprehended youth determined to be an ***Out-of-State*** Runaway, Accused Delinquent, or Absconder, must be placed in secure detention pursuant to Federal Interstate Compact on Juveniles (ICJ) Rule 6-102. Determination for lower level of care should be addressed at the scheduled Detention Hearing.
   a. Juvenile Justice Delinquency Prevention Act (JJDPA) Sec. 223. 34 U.S.C 11133-a-11(a) permits secure detention for youth held in accordance with ICJ.
   b. Per C.R.S. § 24-60-708, "*The courts, departments, agencies, and officers of this state and its political subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions*."

   ☐ Yes ☐ No

Screening Outcome

Level by Detention Screen: (Check One) 1☐ 2☐ 3☐ 4☐ 5☐ **Statutory Detention Questionnaire (Secure Detention Admission):** (Check One) ☐ Yes ☐ No **Final Outcome (per Detention Screen and Statutory Detention Questionnaire):** 1☐ 2☐ 3☐ 4☐ 5☐	Reason for Decision: Court Finding: Youth Center: Hearing Notes:

Colorado Youth Detention Screening Instrument (CYDSI)
Rating Guide

Part One: Risk Tool Items

Item Ratings & Interview Questions:

Each item below requires the screener to make an item rating (0, 1, or 2 or just 0 or 2) based on the item description. All items are accompanied by example interview questions in the *Youth Interview Form* (see pages A1-A3). **It is not necessary for screeners to ask all these questions, ask only those that are most relevant to the case**. See pg. 11 of the manual for rules about missing items.

1. Number of prior delinquency cases filed (does NOT include adjudications)

☐ 0- No filings ☐ 1 - One to two filings ☐ 2 - Three or more filings

Prior delinquency filings- BEFORE the current filing- will be counted according to the number of 'events' (cases) rather than the number of offenses charged within each filing. Includes self-report, district records, and expunged records.

If the youth or parent states the youth had prior delinquency cases filed, but this cannot be verified based on the current record (e.g., out of state), the filing shall be counted. This is based on the forensic assessment principle that most people do not admit to something that will make them look bad if it is not true.

- This item counts filings for separate and distinct prior offenses that occurred at different time intervals. In other words, prior offense 'events' or cases. Count the number of events as opposed to the number of offenses for which the youth had a case filed. If offenses were committed on the same day, but at different times in that day, this counts as 2 cases.

2. Prior Violent/aggressive acts (gathered from records and interviews; past & current offenses included)

☐ 0 - None ☐ 1 - One or two acts of violence

3. 2 - Three or more acts of violence or any acts of severe violence (e.g., attempted murder, shooting, stabbing a person, serious bodily injury) ☐ No Info

Violent acts include (a) acts of battery or physical violence that is sufficiently severe to cause injury to another person regardless of whether the injury occurred (e.g., cuts, bruises, broken bones), b) any acts of sexual assault that resulted in, or could have resulted in, physical injury, or c) a threat made with any type of weapon in their possession (Borum et al., 2006). These acts should be of sufficient severity that the youth either did or could have received official charges. The behaviors count as violent acts for this item regardless of whether the youth was caught, charged, and/or adjudicated.
NOTE: Weapon refers to a gun, knife, blunt object, or other object used to threaten or injure another person.

This item is intended to account for both actual injury to another and intention to injure another. For example, arson of a building that individuals are knowingly inside or expected to be inside counts as a violent act.
Running a car into a building due to reckless driving without any intention of harming people does not count as a violent act.

- Include the current offense without asking the youth or guardian any questions about the current offense. Base this on the police report.
- Include violent acts that are and are not on the youth's official record. This item is about what the youth has actually done – not solely what the youth was caught doing.
- Consider municipal and expunged records if the screener has access and ask the youth about any apparent violent offenses on their record whenever possible.
- Do NOT automatically include a prior charge of felony menacing as a violent act. This is included only if the charge involved behaviors that meet the definition of violence for this item (e.g., threat to a person with a weapon in one's possession).
- Do NOT count the following:
    - Normative sibling fighting,
    - Acts that were clearly in self-defense, such as a youth defending him or herself from an assaultive adult or bully,
    - Animal abuse or felony theft from at-risk persons (these acts should be considered in the rating of the Lacking Empathy item instead), and
    - Damage to property (this item only refers to violence directed towards persons).

Human trafficking/sexual exploitation and sexting do not meet the criteria for violence unless these acts were accompanied by assault. However, retaliatory sexting and human trafficking should be considered in the scoring of the Lack of Empathy item.

3. Associates or Identifies with Negative Peers (gathered primarily from interviews, also count records)

☐ 0 – No or little social time spent with negative peers
☐ 2 – Spends occasional or most of their social time with negative peers ☐ No Info

Delinquent peers/associates means the youth has friendships or associates with individuals who are involved in illegal activities. When determining whether the peers engage in delinquent or illegal activities, consider both the severity and the frequency of their activities. For example, occasionally going to parties where there are alcohol and/or drugs is relatively normative behavior among older adolescents and would not be considered serious delinquent behavior. Stealing, vandalizing, drug dealing, frequent assaultive behaviors, and prior arrests would be considered delinquent behavior.

The presence of delinquent siblings would be counted towards this item if the youth chooses to spend social time with the sibling or looks up to the sibling.

4. Remorse and empathy (gathered primarily from interviews; also count records)

☐ 0 (Age-appropriate remorse/empathy)
☐ 2 (Some impairment to significantly lacking remorse/empathy)
☐ No Info

Note: Screeners should not ask questions about the current offense when scoring this item (or any items).

Remorse refers to whether the youth feels bad or guilty about any of his or her behaviors when guilt would be a common response. *Empathy* refers to whether the youth has compassion for people in his or her life, is able to establish close bonds, or has compassion for vulnerable people (e.g., people with disabilities, elderly, children/babies) or animals. When determining whether youth have capacity for remorse and/or empathy, it must be based on evidence beyond just how they feel about any illegal acts they may have committed. For example, youth who seem to have no empathy for a particular victim of their crime and no remorse for an illegal behavior would still not be rated higher than a score of 1 if there was evidence that they have remorse and/or empathy in other situations or with other people (e.g., friends, siblings, parents). Youth warrant a score of 2 if they generally do not appear to have either remorse or empathy in most situations where it would normally be appropriate for an adolescent.

Youth and/or guardian interviews will be the most important sources of information for this item. Use some of the interview questions below. Some offenses that may be particularly indicative of lack of empathy include human trafficking/sexual exploitation, retaliatory sexting, abuse towards vulnerable beings (elderly, children, disabled, and animals). However, it is critical also to consider evidence beyond the youth's expression of feelings about their offenses and their offending behavior generally.

TOTAL RISK SCORE (sum of items 1-4): _____

RISK LEVEL: _____Low (0 to 1) _____Moderate (2 to 3) _____High (4 to 8)

Part Two – Decision Tree Items

(For High Risk Youth ONLY) Are There Options for Mitigating Risk Available in the Community (at the time of detention screen)?

___Yes ___ No ___No - Pursuant to Local Order

Check 'yes' if, in your opinion, the youth's risk factors can be reasonably addressed in the community at the time of the detention screen (instead of secure detention) by putting appropriate supports, supervision, housing, or services in place to reduce their risk of substantial harm to others. Examples of mitigation strategies may include pretrial supervision with or without services (Levels 4 or 5); inpatient mental health treatment; family supports or more parental monitoring; DHS or foster care placement (Level 3); conditions; more school resources or attending school; etc.
If yes, what do you suggest is needed to effectively mitigate this youth's risk in the community?

_____

_____

_____

_____

Security Level Considerations

1. History of Escape or Running from Nonsecure Placements ☐ *Yes* ☐ *No* ☐ *No info*

If the youth has escaped, run, or gone AWOL from ANY nonsecure placement (e.g., group home, shelter, residential treatment facility, or staff secure) ever in the past year, mark this item 'yes'. If youth was not in a nonsecure placement in the past year, mark this item 'no'. Base this item on youth's records and/or interview with the youth.

2. Potential for Victimization in Secure Placement ☐ *Yes* ☐ *No*

Mark this item 'yes' if the youth is vulnerable to victimization if placed in a secure environment with more delinquent youth. Indicators of vulnerability to victimization include but are not limited to small stature, young age, developmental or physical disability, and a history of being sexually assaulted.

For Low to Moderate Risk - Community Placement Considerations

3. Is there a Parent or Custodian Who Can Take the Youth? ☐ *Yes* ☐ *No*

Indicate whether the youth has a parent's or custodian's home available for them to stay while awaiting their detention hearing.

IF "No" to Item #3

4. Release to kin or responsible adult ("parent authorizes adult to take the youth")?

☐ *Yes* ☐ *No*

If the youth does not have a parent's or custodian's home available, is there a responsible adult the parent or custodian authorizes to take the youth? The home should be a safe and appropriate living situation.

Adult's Relationship to Family: _____

Determine the Final Recommended Placement Level

Level by Detention Screen: Use the decision-tree flowchart on page A8 to determine the level that would be recommended by the Screen. Circle the appropriate level, and select Level by Detention Screen: 1,2,3,4,5.

Statutory Detention Questionnaire (Detention Admissions): After completion of the detention screen, complete the statutory detention questionnaire to determine whether the answer is a 'yes' or ''no. If the answer to any question below is 'yes', the youth will need to go to a level one, meaning it overrides the rest of the tool.

Final Outcome (Per Screen *and* Statutory Detention Questionnaire): Circle the appropriate level to reflect where the youth was sent.

Reason for Decision: Indicate the reason for suggesting an override, by local policy or statutory detention questionnaire.

CRITERIA FOR PLACEMENT IN JUVENILE DETENTION
PURSUANT TO §19-2.5-1404, C.R.S.
Reviewed and Approved (October 24, 2022)

PURPOSE OF CRITERIA [§19-2.5-1404(1)(a), C.R.S.]: To promote a more uniform system of determining which juveniles are appropriate for placement in the physical custody (secure detention) of the Division of Youth Services (DYS) or contracted staff secure detention so that decisions for placement are made based on a uniform set of criteria throughout the state.

These criteria should also reduce the reliance on DYS's secure detention facilities through the use of least restrictive placement options, while maintaining community safety, best serving the child, and administering appropriate sanctions. These criteria are not intended to interfere with law enforcement's authority to hold or discretion to release a juvenile taken into custody, or the court's ability to place a child in detention or impose appropriate sanctions. Building on these criteria, judicial districts may develop additional local criteria that include more stringent restrictions on the use of secure detention resources.

Statutory intent is that these criteria will be utilized by the "screening team", in carrying out the screening function outlined in §19-2.5-303(2), C.R.S., and in following Colorado Rules of Juvenile Procedure, Rule 3.7.

Transportation of youth for placement in detention, to court proceedings or another secure or staff secure detention center shall be the responsibility of local law enforcement. If a youth is placed in detention based on a warrant from another jurisdiction, law enforcement from the judicial district that initiated the warrant must pick up the youth and transport him/her to the county of jurisdiction in accordance with the timeframes established by the court at the initial detention hearing.

THESE CRITERIA COVER THE FOLLOWING CIRCUMSTANCES:

I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION

II. DETENTION UPON ARREST (TAKEN INTO CUSTODY)
- A. Arrests for New Offenses
- B. Arrests Based on Warrants or other Court Orders, including Probation Detainers

III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION
- A. Sentence to Detention for Delinquent Adjudication (§19-2.5-1113, C.R.S.) May Not Exceed 45 Days.
- B. Contempt Sanction Sentence to Detention (Civil Sanction for Contempt of Court)

I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION

A. JUVENILES IN ANY OF THE FOLLOWING CIRCUMSTANCES SHALL NOT BE PLACED IN SECURE DETENTION:

1. Any youth age 10-12 unless the youth has been charged or adjudicated for a felony, if committed by an adult, or any of the following misdemeanor weapons charges pursuant to section 18-12-102, 18-12- 105, 18-12-106 or 18-12-108.5.

2. Who have not committed, or have not been accused of committing, a delinquent act. Exceptions are 24-hour protective holds issued by a judge prior to a dependency and neglect hearing and contempt sentences as set forth in Criterion III, B, below.

3. Who have been placed in the legal custody of a county department of social/human services pursuant to a petition in dependency and neglect and are solely waiting out of home placement.

4. Who have been placed in the legal custody of a county department of social/human services pursuant to delinquency adjudication and are solely waiting out of home placement. Exception can be made by court order if the delinquent poses a substantial risk of serious harm to others or flight risk to avoid prosecution and finds that community based alternatives to detention are insufficient to reasonably mitigate risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.

5. Who are committed to the legal custody of the Colorado Department of Human Services, Division of Youth Services, and are solely awaiting a DYS placement (§19-2.5-1512, C.R.S.).

6. Who are presented to detention solely as a temporary corrective or punitive measure including "time out" placement.

7. Who, at admission, require medical care, are intoxicated, or under the influence of drugs, to an extent that is beyond the scope of the detention facility's medical service capacity. In these cases, medical clearance must be obtained prior to admission.

8. Who are solely assessed as suicidal or exhibit behavior placing them at imminent risk of suicide.

9. Who have not committed a delinquent act but present a danger to themselves as a result of a mental disturbance or developmental disability. They shall be referred for appropriate screening per §27-10-105, and/or §27-10-106, C.R.S. or as provided in §10.5 of Title 27 C.R.S.

Additionally, youth SHALL NOT be placed in detention solely:

a. Due to a lack of supervision alternatives, service options, or more appropriate facilities,

b. Due to the community's inability to provide treatment or services,

c. Due to a lack of supervision in the home or community,

d. In order to allow a parent, guardian, or legal custodian, to avoid his or her legal responsibility,

e. Due to a risk of the juvenile's self-harm,

f. In order to attempt to punish, treat, or rehabilitate the juvenile,

g. Due to a request by a victim, law enforcement, or the community,

h. In order to permit more convenient administrative access to the juvenile,

i. In order to facilitate further interrogation of investigation, or

j. As a response to technical violations of probation unless the results of a detention screening instrument indicate that the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to section 19-2.5-1108 allows for such a placement.

II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)

A. ARRESTS FOR NEW OFFENSES

1. If a juvenile is presented for screening for placement in detention for allegedly committing any one of the following offenses, the juvenile shall be placed in detention pending a detention hearing. §19-2.5-305(3)(a)(III), C.R.S.

   a. A felony enumerated as a crime of violence in §18-1.3-406(2), C.R.S.

   b. Any felony offense against a person, as described in Title 18, Article 3, C.R.S., with the use of, or possession and threatened use of, a firearm.

   c. Possession of a dangerous or illegal weapon (§18-12-102, C.R.S.), possession of a defaced firearm (§18-12-103, C.R.S.); unlawfully carrying a concealed weapon (§18-12-105, C.R.S.), unlawfully carrying a concealed weapon on school, college, or university grounds (§18-12- 105.5, C.R.S.), prohibited use of weapons (§18-12-106, C.R.S.), illegal discharge of a firearm (§18-12-107.5, C.R.S.) or illegal possession of a handgun (§18-12-108.5, C.R.S.).

   d. A delinquent act of escape from custody or confinement in a secure Division of **Youth** Services facility or contracted staff-secure facility (§18-8-208(10) and §18-8-210.1, C.R.S.)

2. **§** 19-2.5-303, C.R.S.

   2 (a)If the law enforcement officer does not release the juvenile to the care of such juvenile's parents, legal guardian, kin, or other responsible adult, the screening team shall administer a validated detention screening instrument developed or adopted pursuant to section 19-2.5-1404. The law enforcement officer, screening team, or juvenile court shall not remove the juvenile from the custody of the parent or legal guardian pursuant to this section unless the screening team or juvenile court:

   (I) (A)Finds that a validated detention screening instrument selected or adopted pursuant to section 19-2.5-1404 has been administered and the juvenile scored as detention eligible;

   (B) or there are ground to override the results of the detention screening instrument based on the criteria developed in accordance with section 19-2.5-1404; and

   (II) finds that the juvenile poses a substantial risk of serious harm to others or a substantial flight risk from prosecution and finds that community-based alternatives to detention are insufficient to reasonably mitigate that risk. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.

B. ARRESTS BASED ON WARRANTS OR OTHER COURT ORDERS, INCLUDING PROBATION DETAINERS

1. If a juvenile is arrested on a district court delinquency warrant (JD), the juvenile shall be placed in detention pending a detention hearing, a reconsideration hearing, or, if a judicial officer has set bond, the juvenile shall be held in detention pending the posting of bond UNLESS LOCAL POLICY HAS BEEN ESTABLISHED TO ALLOW FOR OTHER LEVELS OF PLACEMENT FOR YOUTH UNDER WARRANTS.

2. If a Petition to Revoke or Modify Probation (PRMP) has been filed, a juvenile may be held in detention pending the revocation hearing which is to be held within 14 days from the date the juvenile comes into custody. If a Petition to Revoke or Modify Probation has not been filed, it must be filed within 72 hours of the detention hearing.

III. CRITERION FOR DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION

A. SENTENCE TO DETENTION FOR DELINQUENT ADJUDICATION (§19-2.5-1113, C.R.S.)

MAY NOT EXCEED 45 DAYS. Sentences imposed by the Court are final subject to appropriate motions for reconsideration wherein the Court may consider and is encouraged to consider other placement options.

1. Mandatory Sentences:

   a. For weapons offenses. In the case of a juvenile who has been adjudicated a juvenile delinquent for the commission of one of the offenses described in §19-2.5-305(3)(a)(III), C.R.S., the court shall sentence the juvenile to a minimum mandatory period of detention of not fewer than five days [§19-2.5-1113(2), C.R.S.]

   b. Failure to register as a juvenile sex offender. §18-3-412.5(4)(a) & (b), C.R.S.
      1) Misdemeanor – 30-day minimum on first offense to fail to register; 45 day on second and subsequent
      2) Felony – 45-minimum on first; out of home for 1 year on second and subsequent

B. CONTEMPT SANCTION SENTENCE TO DETENTION (CIVIL SANCTION FOR CONTEMPT OF COURT)

1. Court orders sentencing a juvenile status offender to detention as a civil sanction for contempt of court must follow Colorado Rules of Juvenile Procedure, Rule 3.8. To verify compliance with Federal Law, copies of Forms 1 and 2 and the written report verifying that all dispositions other than secure confinement have been exhausted or are clearly inappropriate, must accompany the juvenile when referred to a detention facility.

2. Any confinement of a youth for contempt of a municipal court order shall not exceed 48 hours. (§13-10-113(4), C.R.S.)

3. Any confinement of a child for contempt of court for violating a valid court order in a truancy proceeding shall not exceed 48 hours.

4. If a Juvenile is arrested on district court D&N warrant (JV), the Juvenile may be held in detention prior to a detention hearing, however, that detention hearing must occur within 24 hours of admission to detention, excluding weekends and legal holidays, and the Juvenile must then be released within 24 hours of the detention hearing, excluding weekends and holidays. Weekends begin at 5 p.m. on Friday and end at 8 a.m. on Monday.

5. If the Juvenile is arrested on a warrant in a truancy proceeding, the warrant must provide for the release of the juvenile from temporary custody on an unsecured personal recognizance bond that is cosigned by the juvenile's parent or legal guardian or by a representative of the local Department of Human Services if the juvenile is in the custody of the Department of Human Services. The warrant may also direct that the juvenile only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

JUVENILE DETENTION PLACEMENT GUIDELINES FOR COMPLYING WITH DETENTION BED ALLOCATIONS PURSUANT TO § 19-2.5-1405(d), C.R.S.

PURPOSE OF THE PLACEMENT GUIDELINES: To serve as a guide for each judicial district in developing a plan to manage the limit on the number of juvenile detention beds assigned to the judicial district in accordance with §19-2.5-1405(1)(a) and (b). Continuous intake management and monitoring of detention bed use based on the *Criteria for Placement in Juvenile Detention (Revised 10/07),* developed pursuant to §19- 2.5-1404, C.R.S., can help decrease the need to implement Emergency Release Procedures.

The *Mandatory Emergency Release Guidelines for Managing State Funded Detention Beds (10/07)* also address the ongoing need to manage bed use and should be used with these Guidelines and the *Criteria for Placement in Juvenile Detention (Revised 8/03)* in developing the local management plan.

OVERARCHING GUIDELINES IN MANAGING BED USE:

Mandatory administration of the *Juvenile Detention Screening and Assessment Guide (JDSAG) and Colorado Juvenile Risk Assessment (CJRA) Pre-screen* to maintain current data for detention bed use management, all juveniles presented for detention placement must have:

- The *Juvenile Detention Screening and Assessment Guide (JDSAG)* administered and the data entered in the Colorado Trails database.

- The Colorado Juvenile Risk Assessment (CJRA) Pre-Screen shall also be administered and the data entered in the Colorado Trails database. The CJRA will provide level of risk classification for each juvenile in detention and enable the use of a current and ongoing prioritization for consideration of release or other placement option based on public safety.

In determining appropriate placement for youth, the use of the least restrictive placement option, while maintaining community safety, is encouraged.

Guidelines below pertain to each criterion in the *Criteria for Placement in Juvenile Detention*

I. JUVENILES WHO CANNOT BE PLACED IN SECURE DETENTION

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

EXCEPTION FOR SENTENCED DELINQUENTS POSING A SERIOUS SAFETY RISK:

Delinquents sentenced to an out-of-home placement who pose a serious safety risk may be sentenced to detention if an appropriate placement by the county department of social/human services cannot be immediately arranged. These juveniles should be reviewed by the entity responsible for detention management at least weekly to determine the status of the out-of-home placement. The period of detention awaiting placement should not exceed 45 days. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

II. CRITERION FOR DETENTION UPON ARREST (TAKEN INTO CUSTODY)

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

A detention screening and assessment must be administered on all juveniles admitted to detention based on district, county and municipal warrants and court orders to establish a current priority list if Emergency Release procedures must be activated. These assessments should be updated periodically by the management entity. If circumstances change to merit consideration of a less restrictive, appropriate placement, the entity should follow local procedures to inform the court.

Juveniles placed in detention following the detention hearing should be reviewed periodically by the management entity to assess the appropriateness of placement in a pre-adjudication service program (SECTION 19-2-302, C.R.S.). If circumstances change to merit this placement, the entity should follow local procedures to inform the court.

III. DETENTION BASED ON COURT SANCTIONS FOLLOWING ADJUDICATION

GUIDELINES FOR COMPLYING WITH BED ALLOCATIONS:

All optional, appropriate sanctions should have been considered prior to the imposition of a secure detention sentence (victim/offender mediation, restitution, community service, electronic monitoring, tracking, offense-specific treatment, etc.).

In imposing a discretionary sentence to detention consistent with §19-2.5-1113, C.R.S., the court is encouraged to consider periods of time less than the maximum of 45 days.

19-2.5-303. Duty of officer - screening teams - notification - release or detention. (1) When a juvenile is taken into temporary custody and not released pending charges, the officer shall notify the screening team for the judicial district in which the juvenile is taken into custody. The screening team shall notify the juvenile's parent, guardian, or legal custodian without unnecessary delay and inform the juvenile's parent, guardian, or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be detained further. Such notification may be made to a person with whom the juvenile is residing if a parent, guardian, or legal custodian cannot be located. If the screening team is unable to make such notification, the notification may be made by any law enforcement officer, juvenile probation officer, detention center counselor, or detention facility staff in whose physical custody the juvenile is placed.

(2) (a) If the law enforcement officer does not release the juvenile to the care of the juvenile's parents, legal guardian, kin, or other responsible adult, the screening team shall administer a validated detention screening instrument developed or adopted pursuant to section 19-2.5-1404. The law enforcement officer, screening team, or juvenile court shall not remove the juvenile from the custody of the parent or legal guardian pursuant to this section unless the screening team or the juvenile court:

(I) (A) First finds that a validated detention screening instrument selected or adopted pursuant to section 19-2.5-1404 has been administered and the juvenile scored as detention-eligible; or

(B) There are grounds to override the results of the detention screening instrument based on the criteria developed in accordance with section 19-2.5-1404; and

(II) Finds that 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. Flight from prosecution is distinguished from simple failure to appear and must generally be evidenced by a demonstrated record of repeat, recent willful failures to appear at a scheduled court appearance.

(b) The screening team shall administer the detention screening instrument for each juvenile under consideration for detention. The detention screening instrument must be administered by a screener who has completed training to administer the detention screening instrument.

(c) Any information concerning a juvenile that is obtained during the administration of the detention screening instrument must be used solely for the purpose of making a recommendation to the court regarding the continued detention of the juvenile. The information is not subject to subpoena or other court process, for use in any other proceeding, or for any other purpose.

(d) Court records and division of youth services records must include data on detention screening scores and, if the score does not mandate detention, the explanation for the override placing the juvenile in detention.

(e) A juvenile who must be taken from the juvenile's home but who does not require physical restriction must be given temporary care with a grandparent, kin, or other suitable person; in a temporary shelter facility designated by the court; or with the county department of human or social services and must not be placed in detention.

(f) The screening team and the juvenile court shall use the results from the detention screening instrument in making a release determination. Release options include allowing a juvenile to return home with no supervision, or with limited supervision such as a location monitoring device, or a referral to a preadjudication alternative to detention or service program established pursuant to section 19-2.5-606.

(3) (a) The juvenile must be released to the care of the juvenile's parents, kin, or other

responsible adult, unless a determination has been made in accordance with subsection (2) of this section that the juvenile's substantial risk of serious harm to others requires that the juvenile be detained. The court may make reasonable orders as conditions of release pursuant to section 19-2.5-305 (5). In addition, the court may provide that any violation of such orders may subject the juvenile to contempt sanctions of the court. The parent, kin, or other person to whom the juvenile is released is required to sign a written promise, on forms supplied by the court, to bring the juvenile to the court at a time set or to be set by the court. Failure, without good cause, to comply with the promise subjects the juvenile's parent or any other person to whom the juvenile is released to contempt sanctions of the court.

(b) Parents or legal guardians of a juvenile released from detention pursuant to this section shall complete the relative information form described in section 19-2.5-1404 (1)(b)(VIII) no later than the next hearing on the matter.

(4) (a) Except as required in subsection (4)(b) of this section, a law enforcement officer shall not detain a juvenile any longer than is reasonably necessary to obtain basic identification information and to contact the juvenile's parents, guardian, or legal custodian.

(b) If the juvenile is not released as required in subsection (3) of this section, the juvenile must be taken directly to the court or to the place of detention, a temporary holding facility, a temporary shelter designated by the court, or a preadjudication service program established pursuant to section 19-2.5-606 without unnecessary delay.

(5) (a) As an alternative to taking a juvenile into temporary custody pursuant to subsections (1), (3), and (4) of this section, a law enforcement officer may, if authorized by the establishment of a policy that permits such service by order of the chief judge of the judicial district or the presiding judge of the Denver juvenile court, which policy is established after consultation between such judge and the district attorney and law enforcement officials in the judicial district, serve a written promise to appear for juvenile proceedings based on any act that would constitute a felony, misdemeanor, or petty offense upon the juvenile and the juvenile's parent, guardian, or legal custodian.

(b) A promise to appear served pursuant to subsection (5)(a) of this section must state any charges against the juvenile and the date, time, and place where the juvenile is required to answer such charges. The promise to appear must also state:

(I) That the juvenile has the right to have the assistance of counsel;

(II) That counsel can be appointed for the juvenile if the juvenile and the juvenile's parent, guardian, or legal custodian lack adequate resources to retain counsel or the juvenile's parent, guardian, or legal custodian refuses to retain counsel for the juvenile;

(III) That, to determine if the juvenile is eligible for court-appointed counsel, or to apply for court-appointed counsel, the juvenile's parent, guardian, or legal custodian is advised to call the office of the state public defender, visit the state public defender's office, or visit the state public defender's internet website;

(IV) That, to avoid delay in obtaining counsel, the juvenile's parent, guardian, or legal custodian is advised to apply for court-appointed counsel at least five days, excluding Saturdays, Sundays, and legal holidays, before the juvenile's promised date of appearance; and

(V) The contact information for the local office of the state public defender, including the office's telephone number and address, and the address of the internet website of the office of the state public defender.

(c) Repealed.

(d) The juvenile shall sign the promise to appear. The promise to appear must be served upon the juvenile's parent, guardian, or legal custodian by personal service or by certified mail, return receipt requested. The date established for the juvenile and the juvenile's parent, guardian, or legal custodian to appear must not be earlier than seven days nor later than thirty-five days

after the promise to appear is served upon both the juvenile and the juvenile's parent, guardian, or legal custodian.

Source: L. 2021: Entire article added with relocations, (SB 21-059), ch. 136, p. 575, § 2, effective October 1. L. 2022: (5)(c) repealed, (SB 22-018), ch. 191, p. 1274, § 6, effective July 15.

19-2.5-1404. Working group for criteria for placement of juvenile offenders establishment of formula - review of criteria - report. (1) (a) The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, shall form a working group that includes representatives from:

(I) The division of criminal justice of the department of public safety;

(II) The office of state planning and budgeting;

(III) The Colorado district attorneys' council;

(IV) Law enforcement, including at least one representative from a statewide organization of county sheriffs;

(V) The public defender's office and the office of alternate defense counsel;

(VI) The office of the child representative;

(VII) Juvenile probation;

(VIII) Juvenile court judges and magistrates;

(IX) Local and county governments, including at least three representatives from county departments of human or social services;

(X) The division of youth services;

(XI) The division of child welfare;

(XII) The local juvenile services planning committees, created in section 19-2.5-302; and

(XIII) Organizations that advocate for youth involved in the juvenile justice system.

(a.5) The working group must also include at least two persons directly affected by the incarceration of youth, of whom, at least one person who is or was a youth in the custody of a division of youth services facility.

(b) The working group shall carry out the following duties:

(I) To establish a set of criteria for both detention and commitment for the purposes of determining which juvenile offenders are appropriate for placement in the physical or legal custody of the department of human services. The criteria must conform with section 19-2.5-305. This set of criteria, when adopted by the department of human services and the judicial department, must promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of human services or in the legal custody of the department of human services so that decisions for placement of a juvenile are made based upon a uniform set of criteria throughout the state. In addition, the criteria must specifically take into account the juvenile's educational needs and ensure the juvenile's access to appropriate educational services. The working group established pursuant to this subsection (1) shall hold a meeting at least four times each year and as necessary to review and propose revision to the criteria established pursuant to this subsection (1) and the formula created pursuant to subsection (1)(b)(V) of this section.

(II) Before January 1, 2021, to develop or adopt by a majority vote of the working group a research-based detention screening instrument to be used statewide to inform placement of juveniles in a detention facility. In developing or adopting the detention screening instrument, the working group shall consult with expert organizations and review research and best practices from other jurisdictions. The working group is

also responsible for:

(A) Ensuring that the instrument identifies and mitigates any disparate impacts based on disability, race or ethnicity, gender, sexual orientation, national origin, economic status, or child welfare involvement;

(B) Identifying measures and scoring for the detention screening instrument to determine eligibility for placement in a juvenile detention facility;

(C) Identifying how the instrument is validated and piloted; and

(D) Establishing statewide scoring override policies that minimize subjective decisions to hold a juvenile in a detention facility, while allowing for local flexibility;

(III) Before January 1, 2021, to develop a plan to provide training and technical assistance to screening teams on the implementation of the detention screening instrument, including at least annual refresher training;

(IV) Before January 1, 2021, to develop a plan for the division of youth services to collect, compile, and report to the judiciary committees of the senate and the house of representatives, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or any successor committees, annually on the use of secure detention; number and justification of overrides of the detention screening instrument as conducted pursuant to section 19-2.5-303; and, if possible, an analysis of detention screening instrument data to determine if any disparate impacts resulted based on race, ethnicity, gender, sexual orientation, national origin, economic status, or child welfare involvement. The division of youth services shall recommend any necessary changes to appropriations that need to be made prior to fully implementing this section's recommendations. Notwithstanding section 24-1-136 (11)(a)(I), this reporting requirement continues indefinitely.

(V) To establish a formula for the purpose of allocating funds by each judicial district in the state of Colorado for alternative services to placing juveniles in the physical custody of the department of human services or in the legal custody of the department of human services. The allocation must take into consideration such factors as the population of the judicial district, the incidence of offenses committed by juveniles in such judicial district, and other factors as deemed appropriate. The working group shall consider and take into account whether any federal money or matching funds are available to cover the costs of juveniles within the system, including parent fees and third-party reimbursement as authorized by law or reimbursements under Title IV-E of the federal "Social Security Act", as amended.

(VI) Before January 1, 2021, to establish criteria for juveniles served through alternative services funded pursuant to subsection (1)(b)(V) of this section. The criteria must prioritize:

(A) Preadjudicated juveniles eligible for placement in a detention facility as determined by results from a detention screening instrument;

(B) Juveniles who are in secure detention; and

(C) Juveniles under the supervision of probation when the results of a detention screening instrument indicate that the juvenile is eligible for detention.

(VII) At least annually review data collected by the division of youth services on the use of funding pursuant to subsection (1)(b)(V) of this section and its impact on the use of juvenile detention. The working group shall identify the measures that it will collect as part of its review of the impact of preadjudicated funding on detention pursuant to this section.

(VIII) Before January 1, 2021, to adopt a relative information form concerning a juvenile's potential need for services or placement. The information form must be

available at each judicial district to each parent or legal guardian of a juvenile screened for detention and participation in alternative services. The information form must:

(A) Advise the parent or legal guardian that he or she is required to provide the requested information fully and completely; and

(B) Require the parent or legal guardian to list the names, addresses, e-mail addresses, and telephone numbers of every grandparent, relative, kin, and person with a significant relationship with the juvenile and any comments concerning the appropriateness of the juvenile's potential need for services from or placement with those persons.

(IX) Before January 1, 2021, to develop a system of graduated responses and rewards to guide parole officers in determining how best to motivate positive juvenile behavior change and the appropriate response to a violation of terms and conditions of juvenile parole. Graduated responses means an accountability-based series of sanctions and services designed to respond to a juvenile's violation of parole quickly, consistently, and proportionally and incentives to motivate positive behavior change and successful completion of parole and the juvenile's reentry and treatment goals.

(X) Before July 1, 2022, to create a formula for the allocation of money to judicial districts pursuant to section 19-2.5-1407 (3) for the provision of temporary shelter for juveniles.

(2) Of the members of the working group established pursuant to subsection (1) of this section, the executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, have final authority to carry out the duty of creating the set of criteria pursuant to subsections (1)(b)(I) to (1)(b)(IV) of this section and creating the formula pursuant to subsections (1)(b)(V) to (1)(b)(VII) of this section. This authority can only be exercised after working with and participating in the working group process established in this section.

(3) (a) On or before October 31, 2021, and at least four times each year thereafter and as necessary to perform the duties described in this subsection (3), the working group shall convene for the purpose of examining the availability of alternatives to youth detention and the use of detention beds, and examining necessary investments in alternatives to youth detention, including less restrictive placements that serve alleged and adjudicated juvenile offenders and community-based services that allow alleged and adjudicated juvenile offenders to live with family or kin. The working group shall carry out the following duties:

(I) By October 31, 2022, the working group shall develop performance standards and outcome measures to evaluate the degree to which alleged and adjudicated offenders are in the least restrictive setting with appropriate services. The performance standards and outcome measures must:

(A) Evaluate whether the number of alternative placements, range of services offered by such placements, and community-based services available meet the needs of youth in each judicial district and county; and

(B) Determine whether and how specific data and outcome measures must be reported to evaluate the efficacy of less restrictive placements and community-based services.

(II) The working group shall advise the department of human services concerning policies, procedures, and best practices related to serving youth in the least restrictive setting.

(III) The working group shall review the data provided by the department of human services pursuant to subsection (3)(b) of this section, and provide

recommendations:

(A) To enhance the continuum of community-based services and placement options for alleged and adjudicated juvenile offenders, including recommendations to improve availability and quality of less restrictive alternative placements and community-based services for youth;

(B) Regarding any changes to secure detention bed capacity limits and the allocation of detention beds across the state; and

(C) For future data collection and reporting to assist the working group in completing its duties.

(b) On or before July 1, 2023, and on or before July 1 each year thereafter, the department of human services shall submit a report to the working group, the judiciary committees of the senate and the house of representatives, or any successor committees, and the health and human services committee of the senate and the public and behavioral health and human services committee of the house of representatives, or any successor committees. The report must include the data collected pursuant to subsection (3)(d) of this section for the prior calendar year and the following:

(I) An analysis of the data collected in accordance with the performance standards and outcome measures developed pursuant to subsection (3)(a)(I) of this section, and an analysis of the progress toward meeting the performance standards and outcome measures developed pursuant to subsection (3)(a)(I) of this section;

(II) The status of implementation of efforts guided by the working group's recommendations pursuant to subsection (3)(a)(II) of this section;

(III) An analysis of the continuum of in-home and out-of- home placement options and supports for alleged juvenile offenders, including the current availability capacities of the options and supports, including:

(A) An analysis of the availability of and demand for less restrictive alternative placements in each judicial district and county, including but not limited to residential treatment facilities, qualified residential treatment programs, nonqualified residential treatment programs, residential community placements, shelter placements, and family-type settings, including but not limited to foster care;

(B) An analysis of the availability and use of funding for less restrictive alternative placements in each judicial district and county, including but not limited to residential treatment facilities, qualified residential treatment programs, nonqualified residential treatment programs, residential community placements, shelter placements, and family-type settings, including but not limited to foster care;

(C) An analysis of the availability of and demand for community-based services in each judicial district and county offered to alleged and adjudicated juvenile offenders that assist in allowing children to live with family or kin, including the types of community-based services available and capacity for each type of service in each judicial district and county; and

(D) An analysis of the availability and use of funding for community-based services in each judicial district and county offered to alleged and adjudicated juvenile offenders, including the amount of funding spent on different types of services.

(IV) An analysis of barriers to placing youth in less restrictive alternative placements;

(V) The number of youth in detention awaiting placement in a less restrictive community setting;

(VI) The number of youth in detention charged by direct filing pursuant to section 19-2.5-801 by judicial district or county, and the average length of stay in

detention for these youth;

(VII) An analysis of the number of youth placed in less restrictive alternative placements, including but not limited to residential treatment facilities, qualified residential treatment programs, nonqualified residential treatment programs, residential community placements, shelter placements, and family-type settings, including but not limited to foster care, and the length of stay in these placements for alleged and adjudicated offenders;

(VIII) An analysis of the involvement of youth and their families, and their satisfaction with less restrictive alternative placements;

(IX) An analysis of the number of alleged and adjudicated juvenile offenders who are served by county departments through their child welfare systems and the impact on those county departments;

(X) The number of youth, by age and by judicial district, who at the time they received services from a county department, including, but not limited to, services received through prevention services, an assessment, or an open dependency and neglect case:

(A) Had an open delinquency case in a district court;

(B) Were on juvenile probation; or

(C) Had a juvenile deferred sentence;

(XI) The number of youth, by age and by judicial district, who at the time they were placed in out-of-home placement by a county department:

(A) Had an open delinquency case in a district court;

(B) Were on juvenile probation; or

(C) Had a juvenile deferred sentence;

(XII) Reserved.

(XIII) The age, race, gender, and disability status for the children described in subsections (3)(b)(X), (3)(b)(XI), and (3)(b)(XII) of this section; and

(XIV) The recommendations of the working group made pursuant to subsection (3)(a)(III) of this section.

(c) Notwithstanding section 24-1-136 (11)(a)(I), the report required in subsection (3)(b) of this section continues indefinitely.

(d) Beginning for state fiscal year 2023-24, and for each fiscal year thereafter, the state department shall collect data statewide concerning the following:

(I) The demographic information, including race, ethnicity, gender, age, sexual orientation, gender identity, and disability status, to the extent the information is available, of the youth in each detention facility who are eligible for release from a detention facility without an additional court order if services or a placement are available for the youth but who are being held in detention due to lack of available services or placement;

(II) The number of temporary emergency detention beds, described in section 19-2.5-1407.3 (4), used each day in each catchment area; and

(III) The number of youth released from detention solely because the number of youth detained statewide exceeded the statewide detention bed cap established in section 19-2.5-1514.

(e) (I) The working group shall conduct a study to determine how to identify, who possesses, and the best method to collect and report, the following data and information related to juveniles who are detained:

(A) The number of court orders requested in each judicial district to release a youth who could not otherwise be released from detention and the order was requested

solely because the number of youth detained in the judicial district exceeded the number of juvenile detention beds allocated by the division of youth services to the judicial district;

(B) The number of youth in each judicial district who could not otherwise be released from detention who were released pursuant to a court order to make a detention bed available in the catchment area; and

(C) The number of youth eligible for release from a detention facility without an additional court order who, after being held in detention for a period of time due to a lack of available services or placement, are released from detention without the identified services or placement, and the number of days between the identification of the need for services or placement and release, for each youth.

(II) The working group shall include the results of the study in its recommendations made pursuant to subsection (3)(a)(III) of this section.

(f) If the department is unable to provide any of the data required in the annual report pursuant to subsection (3)(b) of this section, the department shall include in the report its plan to collect and report on the data that is currently unavailable in the following year. The department shall report the missing data the following year.

Source: L. 2021: IP(1)(a), (1)(a)(IV), (1)(a)(VIII), (1)(a)(IX), and (1)(b)(I) amended and (1)(a)(X), (1)(a)(XI), (1)(a)(XII), (1)(a)(XIII), (1)(a.5), and (3) added, (SB 21-071), ch. 463, p. 3336, § 7, effective July 6; entire article added with relocations, (SB 21-059), ch. 136, p. 677, § 2, effective October 1. L. 2022: (1)(b)(X) added, (HB 22-1056), ch. 383, p. 2740, § 2, effective June 7. L. 2023: (1)(b)(VII) and IP(3)(b) amended and (3)(d) and (3)(e) added, (HB 23-1307), ch. 442, p. 2588, § 4, effective June 7; (3)(b)(IX) and (3)(b)(X) amended and (3)(b)(XI), (3)(b)(XII), (3)(b)(XIII), (3)(b)(XIV), and (3)(f) added, (HB 23-1249), ch. 287, p. 1721, § 2, effective August 7.

APPENDIX B

District Court, _____ County, State of Colorado Court Address:	
PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF,	**COURT USE ONLY** **Case Number(s):**

APPEARANCE BOND (JUVENILE)

BOND TYPE: Cash/Property/Surety ☐ Cash only ☐ PR/Self ☐ ☒ PR/RSP Parent/Guardian

☐ This is a Bond Authorization. When signed by the juvenile and/or parent this form constitutes the bond.

NAME OF PARTY BOND POSTED FOR: (*print or type*)_____
First Middle Last DOB

The juvenile, as principal, and (*print or type*)_____as surety, acknowledges _____ to be jointly and severally liable to the People of the State of Colorado, in the amount of $ 0 DOLLARS ($Zero) DOLLARS, if there is a default upon the primary condition of this bond.

The primary condition of this bond is that the Party shall personally appear at *(district court address)* _____ **on** *(date)*_____ at *(time)*_____AM/PM and at each place, and upon each date, to which this proceedings is transferred or continued, until entry of an order for sentencing (unless the written consent of the sureties is filed of record), to answer charges of: : Bond remains in effect until sentencing or further order of the Court.

CONDITIONS AFTER JUVENILE POSTS BOND

Party and Surety to comply with all orders of the Court; Party shall have no further violations of the law; Party acknowledges the existence of a mandatory restraining order under C.R.S. §19-2-707; Party shall immediately notify the Court of any change of mailing address, residence or telephone number; Surety to use reasonable efforts to insure compliance with terms and conditions of bond .

☐ Juvenile to report immediately upon release and comply with all requirements of any supervision to ☐probation ☐ parole

☐ Juvenile to report immediately to, and be supervised by, pretrial services; 970-580-8610 **ANY ORDER TO PRE-TRIAL SERVICES ALLOWS PRE-TRIAL SERVICES TO USE ANY ESTABLISHED SUPERVISION METHOD AUTHORIZED BY STATUTE, AND ANY ESTABLISHED SUPERVISION METHOD APPROVED BY 13TH JUDICIAL DISTRICT ADMINISTRATIVE ORDER X.**

☐ If 18, report immediately to adult pretrial services at Advantage Treatment Center 970-55-7383 ☐If juvenile turns 18 while on bond, juvenile is to report within 24 hours of turning 18 to adult pretrial services

☐24 hour accountability to parents/guardian & comply with all rules of home or placement ☐ at probation's discretion

☐With adult supervision at all times at probation discretion

☐EHM with any or all of: ☐ CYDC ☐probation ☐juvenile pretrial services ☐ adult pretrial services upon turning 18 ☐ at probation discretion.

☐Alcohol and/or drug monitoring including urinalysis, breathalyzer, or electronically

☐Lockdown at home with release for professional appointments and ☐school ☐work ☐_____at probation's discretion.

☐Comply with ☐mental health treatment as recommended ☐medications taken as prescribed

☐ Comply with DHS placement/programming

☐ Juvenile to be released to ☐ _____DHS custody only when and if appropriate placement is found; if placed, no leaving placement without permission;

☐Until further order of the Court juvenile to remain at _____(name of party)

☐ Juvenile will not leave the State of Colorado without permission of the Court, consent of surety, and without providing a written waiver of extradition and acknowledge that s/he will not be admitted to bail in any other state pending extradition to this state.

☐Other (release regardless; juv/parent must comply AFTER release):

No demonstration of gang association or affiliation in any manner **No use of alcohol or controlled substances without prescription**

If the Party fails to comply with any of the conditions of this bond, the Court may revoke the Party's release on bail, increase the amount of bail or modify bond conditions. This bond will be forfeited if the Party does not appear as required by the primary bond condition.

PARTY *(Signature)* *Address (City, State, & Zip Code)* *Telephone No.*

SURETY OTHER THAN BONDING AGENT** *(Signature)* *Address (City, State & Zip Code)* *Telephone No.*

***BONDING AGENT CERTIFICATION:** Agent, by executing this bond, warrants and representation the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction; (2) that agent is duly licensed by the State of Colorado to execute this bond; and (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this bond.

****SURETY CASH DEPOSIT:** (1) Cash deposited (☐ may) (☐ may not) be used to satisfy any fines, costs, etc. (*check one)*
(2) Cash deposited (☐ may) (☐ may not) be returned to Respondent ☐Juvenile (*check one)*

CASH SURETY (*Signature)* _____
EXECUTED AND ACKNOWLEDGED by the above-named in the presence of the undersigned at
_____(*name of court or facility where bond written).*

BY: _____ By: _____
Deputy Clerk/Sheriff (*As to Surety/Bonding Agent)* Deputy Clerk/Sheriff *(As to Party)*

(date) _____*(time)*_____ *(date)* _____*(time)*_____

Appendix C

19-2.5-305(3)(a)(V)(A)-(C)

19-2.5-305. Detention and shelter - hearing - time limits - findings - review guardian ad litem appointed - confinement with adult offenders - restrictions.

(V) A court shall not order further detention for a juvenile who is ten years of age and older but less than thirteen years of age unless the juvenile has been arrested or adjudicated for a felony or weapons charge pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive any information having probative value regardless of its admissibility under the rules of evidence. In determining whether a juvenile requires detention, the court shall consider the results of the detention screening instrument. There is a rebuttable presumption that a juvenile poses a substantial risk of serious harm to others if:

(A) The juvenile is alleged to have committed a felony enumerated as a crime of violence pursuant to section 18-1.3-406; or

(B) The juvenile is alleged to have used, or possessed and threatened to use, a firearm during the commission of any felony offense against a person, as such offenses are described in article 3 of title 18; or

(C) The juvenile is alleged to have committed possessing a dangerous or illegal weapon, as described in section 18-12-102; possession of a defaced firearm, as described in section 18-12-103; unlawfully carrying a concealed weapon, as described in section 18-12-105; unlawfully carrying a concealed weapon on school, college, or university grounds, as described in section 18-12-105.5; prohibited use of weapons, as described in section 18-12-106; illegal discharge of a firearm, as described in section 18-12-107.5; or illegal possession of a handgun by a juvenile, as described in section 18-12-108.5.

Appendix D

JUVENILE PROMISE TO APPEAR

		Agency Name		Agency Report No.	
Juvenile (Last Name)		(First)			(M.I.)
Home Address			City		State
Zip	Phone			DOB	
Sex	Race	Height	Weight	Eyes	Hair
School Attending/Last Attended					Grade
Cooperative?	[ ] Excellent [ ] Good [ ] Fair [ ] Poor			Language:	
Took Accountability?	[ ] Yes [ ] No			Gang?	[ ] Yes [ ] No
[ ] Mother [ ] Father [ ] Guardian	Last Name			First Name	
Home Address			City		State
Zip	Phone		DOB	Language:	
Email Address:					

OFFENSE NO. 1	Offense:				Date
C.R.S.		Class	Offense Location		Offense Time
OFFENSE NO. 2	Offense:				Date
C.R.S.		Class	Offense Location		Offense Time
OFFENSE NO. 3	Offense:				Date
C.R.S.		Class	Offense Location		Offense Time
Co-Defendant Names:					

Officer Name:		
Badge No.	Agency	Date

Without admitting guilt, I promise to appear in _____ County District Court,

located at _____ on the _____ day of_____20_____at 2:00pm,

I acknowledge receipt of this Promise to Appear and I understand that by signing below, I agree to bring my child to the above stated place at the above listed date and time. I further understand that this document is not a court order or process and does not retrain me or my child in any way. With any questions, please contact the 13th Judicial District Attorney's Office.

The juvenile named in this Promise to Appear has the right to have the assistance of counsel. Counsel can be appointed for the juvenile if the juvenile and the juvenile's parent, guardian, or legal custodian lack adequate resources to retain counsel, or if the juvenile's parent, guardian, or legal custodian refuses to retain counsel for the juvenile. To determine if the juvenile is eligible for court-appointed counsel, or to apply for court-appointed counsel, the juvenile's parent, guardian, or legal custodian is advised to call the Office of the State Public Defender at (970) 522-5032, or visit the Public Defender's Office at 124 N 2nd St Sterling, CO 80751, or visit the State Public Defender's internet web site at http://www.pdweb.coloradodefenders.us/, then go to the "Offices" tab on top, and then to the "Sterling" link on the left hand side. To avoid delay in obtaining counsel, the juvenile's parent, guardian, or legal custodian is advised to apply for court-appointed counsel at least five days before the juvenile's promised date of appearance.

Parent/Guardian Signature **Juvenile Signature** **Date**

WHITE COPY - DA'S OFFICE CANARY COPY - POLICE RECORDS PINK COPY - JUVENILE/PARENT

Victim (Last Name)	(First)	(M.I.)
Home Address	City	State
Zip / Phone	DOB	
Cooperative? [ ] Excellent [ ] Good [ ] Fair [ ] Poor	Restitution? [ ] No [ ] Yes	
[ ] Mother [ ] Father [ ] Guardian — Last Name	First Name	
Home Address	City	State
Zip / Phone	DOB	Language:
Email Address:		

BRIEF DESCRIPTION OF FACTS OF OFFENSE(S) GIVING RISE TO PROBABLE CAUSE:

Officer recommend Diversion/Restorative Justice? [ ] Yes [ ] No

Prior Municipal Contacts with Juvenile? [ ] Yes [ ] No

Comments:

IN THE THIRTEENTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF COLORADO

POLICY AND PROCEDURE FOR JUVENILE DETENTION EMERGENCY RELEASE

2024-4

The attached Thirteenth Judicial District Emergency Release and HB23-1307 Procedures, effective February 9, 2024 and as may be revised, are hereby adopted and incorporated herein by reference.

DONE and SIGNED this 10th day of June, 2024, EFFECTIVE IMMEDIATELY.

STEPHANIE M.G. GAGLIANO
Acting Chief Judge
Thirteenth Judicial District

13th JD Emergency Release and HB23-1307 Procedures

Effective Date: February 9, 2024

Review Date: Annually; The Emergency Release Team consists of the Chief Judge, District Attorney's Office, County DHS and 13th JD CYDC.

Emergency Release

1. Tuesday EOB:
    a. CYDC provides a detention roster to the Judge(s). Provide juvenile's name, charges, court team contacts (DA, PD, GAL and CYDC), DHS contacts, ARNA/PreCJRA risk level and if there is a tentative plan for release.
    b. Judge(s) send to the juvenile's court team, CYDC and DHS for feedback. Feedback is required by Thursday at 8am.
2. Thursday EOB:
    a. The Judge decides who is on the list for emergency release and instructions for their release.
        i. If there is more than one Judge involved in the emergency release decision and instructions, the Chief Judge makes the final decision on the order of juveniles being released.
    b. The Judge distributes a list and instructions to juvenile's court team, DHS, CYDC and the detention facility.
    c. CYDC prepares Order for Emergency Release for each juvenile and submits to the Court for order to be signed with a valid date of the following Thursday specified in the order. The Court returns the signed order to CYDC via email.
    d. CYDC distributes the Order for Emergency Release to the juvenile's court team, DHS, detention facility and 19th JD Screening Team.
3. During business hours, 13th JD CYDC staff contacts parent/guardian about possible emergency release and arriving at Prairie immediately to sign PR bond. If emergency release occurs after hours, the 19th JD Screening Team will contact the juvenile's parent/guardian for immediate pickup at Prairie Vista YSC and to sign PR bond. 13th JD CYDC Staff will provide all updated contact information for after-hours staff.
4. Should the 13th CYDC staff or 19th JD Screening Team not be able to contact the parent/guardian in a reasonable time, they will move to the next juvenile on the list.
5. An Emergency Release Hearing scheduled by the Court within 48 business hours of release.
6. If a juvenile is released and is a Victim's Rights Act case, the DA is responsible for victim notification.

The following will be considered when determining the list for emergency release:

1. Below list of Eligible and Not Eligible.
2. Risk to community and to re-offend based on the ARNA, CJRA and other factors.
3. Victim's Rights Act Compliance, if applicable
4. Services available upon release; and
5. Placement availability.

Emergency Release Eligibility

Eligible for recommendation:

a. First offense w/o SBI.
b. Juveniles ages 13-14.
c. Third degree assault.
d. Harassment/Criminal Mischief- DV
e. School based weapon offense for youth ages 13-14, small knife only.
f. VPO for alcohol/marijuana only.
g. Warrants that do not have underlying factors listed under "not eligible" (crime of violence w/ SBI, weapons, etc.).

Not Eligible for Emergency Release

a. Crime of violence
    i. C.R.S. § 18-1.3-406(2)(a-c)
b. Weapons charge

HB 23-1307 Emergency Bed Procedure

If the catchment area has reached capacity, 1307 emergency beds can be used based on the below criteria. If a facility reaches capacity, there are 2 flex beds that can be used for the facility to go up by 2 for 48 hours, however, the 1307 emergency beds must be used before utilizing a flex bed. The 19th Screening Team monitors bed capacity at Prairie Vista and Platte Valley on a regular basis.

A JD may use a 1307 emergency bed after the following criteria have been met:

1. All beds allocated to the JD are being utilized by the JD (13th: 2 beds).
2. The DYS detention facility in which the JD's beds are located are being utilized.
3. There are no open detention beds to borrow within 50 miles of the JD's detention facility.
    a. This does not apply if the point of arrest was 50 miles or more from the initial detention receiving facility.
    b. This does not apply if the juvenile is being returned to the initial detention receiving facility as a result of being in a borrowed bed that was relinquished.
4. There is a legal basis for the detention of all youth by the JD.
5. There are currently no services available that mitigate the substantial risk or flight risk of any of the youth detained by the JD.
6. There are no services available to mitigate the risk of the youth being detained and placed in the emergency bed.

A petition must be filed by the District Attorney or the County Attorney that supports the above criteria no later than the next business day. The Court shall issue an order permitting the use of the emergency bed.

A hearing must be held every 5 business days to inform the Court that the circumstances still exist and that the juvenile is still in an emergency bed.

The initial criteria requiring the catchment area being fully utilized or an available bed within 50 miles do not apply.

Once the criteria, with exceptions, are no longer met, the juvenile may be placed in a non-emergency detention bed.

If an emergency bed is needed after regular business hours of Mon-Fri 8am-5pm (holidays excluded) and the 19th JD Screening Team and State Detention Bed Manager agree that criteria have been met, an emergency bed shall be made available.

The 19th JD Screening Team and State Detention Bed Manager will notify the detention facility prior to admission.

The 13th JD CYDC staff will notify the District Attorney and/or County Attorney to file the petition and will provide them with the information necessary to file the petition.

Upon receipt of the signed petition, the 13th JD CYDC Director and/or 19th JD Screening and Detention Supervisor shall forward a copy of the court order to the detention facility.

The 13th JD Bed Manager will notify the SB-71 Team, CYDC State Coordinator and State Bed Manager of the use of the 1307 emergency bed.

The 13th JD CYDC staff will track the number of days each youth is in an emergency bed.